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THE BEVERIDGE REPORT SUMMARISED

FOR a proper understanding of the Report by Sir William Beveridge on Social Insurance and Allied Services, presented to Parliament in November 1942, it is essential to know something of the existing network of social insurance in Great Britain and the efforts made by successive Governments and Parliaments to make public provision for those who fall into need. For just over three centuries after the Reformation, this provision took the form of poor relief, which has developed in our own day into public assistance given at home or in an institution. It has never been possible to eradicate the social stigma attached to the receipt of public charity, a stigma which adds mental suffering to the physical distress of many unfortunate people. In 1908 an effort to avoid this was made by granting old-age pensions entirely from public funds to people who were poor (not necessarily destitute) from the age of 70 onwards. The grant was subject to a means test, and the pensions were very small. The difference between such pensions and poor relief is obviously rather faint.

An entirely new element was introduced into public provision for those in need with the passing of the National Insurance Act 1911. This Act (which applied both to sickness and unemployment) was the first step in the development of social insurance in this country, since it imposed on certain classes of wage-earners the legal obligation to make regular contributions to an insurance fund from which benefits were paid, and to which employers and the State also contributed.

This system has been developed and extended as time has gone on. At the present day social insurance in Great Britain covers not only the risk of unemployment and illness for many millions of wage-earners who were not included in the Act of 1911, but also pensions for widows, orphans, and the aged, in the insured classes. It is a system which is for employees rather than for all citizens, and the contributions or premiums are paid jointly by employers and employed with the State contributing one-third of the costs of unemployment insurance, one-sixth for national health and pensions insurance. Compared with methods of social insurance in other countries (and some thirty other countries including British Dominions have social insurance schemes¹) the British scheme, according to the International Labour Office, "excels in point of its unemployment insurance embracing practically the entire employed population, including agricultural workers, and its contributory pensions, comparatively adequate as basic pensions, and granted after a comparatively short qualifying period

¹ See *The Beveridge Report*, Appendix F.

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at comparatively small cost to insured person or employer". On the other hand, the provision it makes for medical treatment is inferior to that existing in other countries, its maternity benefit is very small, and it leaves the cost of funerals to be covered by voluntary insurance. It has been criticized on the ground that it marks off wage-earners from other social classes as a proletariat, propertyless and in consequence dependent on the State for financial defence against the misfortunes of life. Growing up as it has in piecemeal fashion, it contains many anomalies, and its administration is divided, in a way that is both uneconomical and confusing to its beneficiaries, between various disconnected administrative organs.

The difficulties which have arisen from time to time in connection with the working of unemployment insurance and of assistance to those whose unemployment benefit became exhausted are well known; but the question of revising and reconstituting the whole system of social insurance was brought to a head by the anomalies arising under National Health Insurance, an account of which was presented to the Minister of Health and the Secretary of State for Scotland by a deputation from the General Council of the Trades Union Congress in February 1941.¹ After describing the main weaknesses of N.H.I. at present, the deputation said:

From the insured person's point of view the problem is how to provide an income when he loses his wages, and at present that central fact is dealt with by a whole lot of schemes purporting to deal with the same problem, but each providing a different kind of remedy. The method of application and administration is different in each case. The rules to be observed are very different. The methods of appealing against decisions have practically no resemblance to each other. The whole thing is in fact completely bewildering, and even Social Insurance experts are at a loss to understand the ramifications of the various schemes.

It went on to ask the Ministry of Health to take the lead in an examination of the whole position and to have plans produced for a properly balanced scheme of social services and insurance.

In May 1941 the Minister of Health told the House of Commons that the Government were setting up an interdepartmental committee "to undertake, with special reference to the inter-relation of the schemes, a survey of the existing national schemes of social insurance and allied services, including workmen's compensation, and to make recommendations". The constitution of this committee and the appointment of Sir William Beveridge as its chairman were announced in the House of Commons in June 1941. On the committee were representatives of the Home Office, the Ministry of Labour and National Service, the Ministry of Pensions, the Ministry of Health, the Treasury, the Reconstruction Secretariat, the Board of Customs and Excise, the Assistance Board, the Department of Health for Scotland, the Registry of Friendly Societies and Office of the Industrial Assurance Commissioner, together with the Government Actuary. The co-operation

¹ See Appendix G to *Beveridge Report* (in separate volume of Memoranda from Organizations), Paper 3.

of these civil servants must have been extremely valuable to Sir William Beveridge. They took part in discussions and in examination of witnesses before the committee, and they served as channels through which the various Departments of Government expressed their views on the questions which arose. Being civil servants, however, they were precluded from giving public expression to their own opinions on matters of Government policy, such as the inquiry gave rise to, and therefore it was decided that they should act merely as advisers to Sir William Beveridge on technical and administrative points, without being in any way committed to the views and recommendations of the Report, which is signed by the Chairman only. We have no means of knowing whether, or how far, the other members of the committee agreed with him. It would have been interesting to have a minority report if there was not unanimity of opinion, but, given the constitution of the committee, this was impossible.

The Report is dated 20 November, 1942, and is, in fact, a longish book crammed with facts and arguments. To master its proposals one must not merely read it but study it, line by line, and paragraph by paragraph, correlating sections often separated by many pages; a task made more difficult by the paucity of cross-references and the absence of an alphabetical index. One can admire Sir William's lucid and accurate style without being convinced that the method according to which he has arranged the various parts of his Report is the most logical possible or the best calculated to make his plan clear to the public. For a full statement of his proposals one has to turn to Part V (pp. 120-53). There is a rather indigestible summary of them earlier (pp. 9-11), and an excellent one by the Government Actuary in Appendix A (pp. 173-7). Attached to the main body of the Report are five other Appendices, all in very small print and bristling with Tables. One of these is a list of the 127 Organizations and Individuals (other than Government Departments) who submitted written or oral evidence to the committee. The Memoranda of 43 of these have been printed (sometimes in summary) in a companion volume to the main Report. This volume also contains (pp. 1-3) a list of the principal questions which the committee had to consider.

Sir William Beveridge calls his proposals a Plan for Social Security, that is, for "ensuring that every citizen willing to serve according to his powers has at all times an income sufficient to meet his responsibilities" (444).¹ Its purpose is to abolish want after the war; its main method is *compulsory social insurance*; subsidiary methods are *national assistance* (replacing the public assistance of today) and *voluntary insurance* (14). Social insurance (supplemented by national assistance) is intended to secure a national minimum of subsistence to all citizens; voluntary insurance, to enable them to make provision for a higher standard (302). The determination of the amount of money required for a subsistence income is not an easy task. First of all it is necessary to decide what goods are necessary for

¹ Numbers in brackets are those of the paragraphs in the main body of the Report.

subsistence in Great Britain nowadays, and then to calculate their cost in money. In regard to the first of these two points, an outstanding difficulty is that of rent, which varies greatly in different places; even the prices of fuel and other things are by no means the same throughout the country. After a long and careful discussion (197-214) the Report finally concludes that for its main purpose it is best to take (at least provisionally) a uniform standard of rent; at pre-war levels, 10s. a week for a household and 6s. 6d. a week for a solitary individual (215). It is admitted that this is too high for some, too low for others, but it is urged that the difficulty of extreme variations in rents is due to maldistribution of industry and population, and to failure to provide housing according to needs (216). As for food, the cost of the dietary recommended by the Technical Commission of the League of Nations in 1936 and 1938, as of the somewhat different one proposed by the British Medical Association in 1933, would be about 13s. a week for man and wife at 1938 prices, which "may reasonably be divided as 7s. for a single man and 6s. for a single woman". The weekly cost of necessary clothing is estimated at 1s. 6d. for a man or a woman. Subsistence expenditure on fuel, light and household sundries is reckoned as 4s. for a man and woman together, and 2s. 6d. each for a man or woman separately. A margin for inefficiency in purchasing goods is allowed at 2s. a week for man and woman together, 1s. 6d. for either separately. The final conclusion is that at 1938 prices adults of working age need per week for subsistence (a) 32s. for man and wife, (b) 19s. for single man, (c) 18s. for single woman (217-222). The subsistence income for those above working age at 1938 prices is estimated at 29s. 8d. for man and wife, 17s. 10d. for a single man, and 17s. 4d. for a single woman (225). For boys and girls of working age, presumed to be living at home, the estimate is 12s., for young men up to 21 16s., and for young women 15s. (226). As for dependent children, the Report considers that at 1938 prices 7s. a week is needed, on the average, for the subsistence of each of a family of children ranging up to 15 years of age (227-8).

But all these figures are calculated on pre-war prices, while it is fairly certain that after the war prices will be higher. How much higher? The Report somewhat optimistically assumes that they will settle at about 25 per cent. higher than in 1938. ("Prices" here includes rent.) Adding this percentage to the subsistence income just mentioned, the Report arrives at the conclusion that the subsistence income for man and wife together after the war will be 40s. a week, for a single man or woman aged 21 and upwards 24s. a week (20s. if aged 18-20), for boys and girls above school age 15s., and for dependent children 8s. each per week (taking into account the provision in kind now made for them through school meals and the supply of free or cheap milk) (231-2).

These, then, are the incomes which must be available as a national minimum for citizens who fall into need if the Plan is to provide social security. The Beveridge proposal is that they should be secured for the

most part by social insurance together with State-provided children's allowances, and for the rest by national assistance. "Social insurance means the providing of cash payments conditional upon compulsory contributions made by, or on behalf of, the insured persons, irrespective of the resources of the individual at the time of the claim. . . . National assistance means the giving of cash payments conditional upon proved need at the time of the claim, irrespective of previous contributions but adjusted by consideration of individual circumstances and paid from the national exchequer" (302). As for children's allowances, the proposal is that for every child up to the age of 15 (or 16, if in full-time education) the State, wholly out of the proceeds of general taxation, should make a direct provision payable in cash to the person or persons responsible for the care of the child, with the exception that no allowance would be paid for the first child in a family when the responsible parent is earning an income (301, 410 seq.). The existence of this system of children's allowances is assumed as part of the background of social insurance (13, 14).

Under the Beveridge scheme, social insurance would provide a subsistence income ("national minimum") on the scale already described for every citizen above school age, provided that he or she has fulfilled the prescribed contribution conditions or is exempt or excused from them, and provided too, of course, that the risk insured against has become an actual fact. "Social insurance . . . should not leave either to national assistance or to voluntary insurance any risk so general or so uniform that social insurance can be justified" (308). The risks covered by the scheme are those of interruption or destruction of earning power by unemployment, sickness, accident, or old age, the loss of means of support by the death of another person, and the need to meet the expenses connected with childbirth, marriage and death (300). To these must be added the loss of livelihood by a person who is not in paid employment (122, 349). Compared with the existing system of social insurance in Great Britain, the system proposed by the Report (*a*) is not restricted to employees, (*b*) is not limited to those whose incomes fall below a certain limit, (*c*) covers a wider range of needs, (*d*) provides higher benefits, and (*e*) imposes higher contributions. There are also administrative differences, as to which more will be said later. But the Beveridge system undoubtedly builds upon the existing system.

Compulsory unemployment insurance, which at present covers non-manual workers paid not more than £420 a year and manual workers (there is a special scheme for agricultural workers), with certain statutory exceptions, is extended in the Beveridge Plan to all employees, with no upper income limit. Employees "are, in general, persons depending for their maintenance upon remuneration received under a contract of service, including apprenticeship", but not those employed by another member of the same household (314). (Housewives¹ who are earning as employees

¹ Married women of working age living with their husbands (316).

would be free to choose whether to come under unemployment insurance or not. The employer would have to contribute in either case (345). In the event of unemployment, insured persons would receive from the Social Insurance Fund the national minimum, without means or needs test, throughout working age, so long as unemployed and available for work (assuming that they have fulfilled the contribution conditions for full benefit). For six months (normally) this benefit would be paid unconditionally. After that period, it would be paid only if the insured person consented, if required, to attend at a work or training centre. "For boys and girls there should ideally be no unconditional benefit at all; their enforced abstention from work should be made an occasion for further training." (131, 326-8.) There would be disqualifications, as now, for refusing suitable employment or leaving work without just cause, and if dismissed for misconduct (326). Penal treatment for those who "through weakness or badness of character" fail to comply with the conditions for benefit is proposed in the Report (131 (b), 373).¹ For such people, national assistance (with a means test) would be available, as also for those who for other reasons are not in full benefit (371).

The existing system of *National Health Insurance* would be entirely remodelled if the Report were accepted. There would be a comprehensive health and rehabilitation service for prevention and cure of disease and restoration of capacity for work, available to all citizens (301, 426 seq.) and financed partly by the Insurance Fund, partly by the State (App. A, 34). Social insurance would provide a subsistence income for non-medical needs, and would cover not only employees, without upper income limit, but also other persons gainfully employed, including (subject to option of exemption as above) housewives. Subject to contribution conditions, all these would receive benefit so long as physically incapacitated from work from any cause, throughout working age. To this general principle there are two exceptions: (a) a person who is not an employee would have to wait 13 weeks from the commencement of his disability (during which he would have to continue his insurance contributions) before becoming entitled to benefit; (b) for those whose disability is due to accident or disease arising out of and in the course of employment, after 13 weeks of disability an industrial pension proportionate to previous earnings would be substituted for benefit at a flat rate, and if death resulted from the disability an "industrial grant" would be paid to dependants, without any contribution conditions. (The existing system of workmen's compensation, paid by the employer, would be superseded.) (330-6). Married women who are gainfully occupied would be entitled to maternity benefit (at a rate higher than unemployment or disability benefit, viz. 36s. a week instead of 16s. a week) for 13 weeks including the date of childbirth, on

¹ " (Beveridge) does not stress in his report all the sanctions and disciplines, and even coercions, which the implementation of Social Security will actually involve, but they are implicit." R. Davison, *Insurance for All and Everything* (Longmans), p. 16.

condition of giving up their gainful occupation for that period. In addition they would, in common with other married women, receive a maternity grant of £4. To the maternity grant, the ordinary contribution conditions apply; as for maternity benefit, "the number of contributions required for full benefit is a matter for further consideration". It would be paid even to those gainfully occupied housewives who had chosen exemption from social insurance. These, if employees, would also be entitled to disability benefit and industrial pension for accident or disease arising out of and in the course of employment (340-1, 345, 357, 367). There is provision for a special levy on employers in dangerous occupations (89-92, 360, etc.), and for making suitable medical treatment and occupational training conditions for receiving disability benefit, claims to which would be controlled by certification and sick visiting (19 (vii), 131 (iii)).

The existing system of *old-age pensions* would also be changed. Retirement pensions would be provided for all, whether employees or not, at pensionable age (65 for a man, 60 for a woman) on condition that they ceased from gainful occupation. If they preferred to go on earning, the pension would be deferred, but paid at an increased rate on retirement (subject to contribution conditions); any unemployment or disability benefit to which they became entitled in the meantime would be limited to (say) 20 weeks in any benefit year. Like other benefits provided in the Report, retirement pensions are intended to supply a subsistence income to the recipients without any means test, but for financial reasons this could not be achieved at first. There would have to be a transition period of about twenty years, during which assistance pensions at less than the full rate and subject to a means test would be paid (337-8, App. A, 5).

At present there is no provision in our system of social insurance for those non-employees who lose their means of livelihood, whether they were gainfully occupied or not. The Report proposes to make available for those of them who wish to take up some new occupation a training benefit at the same rate as unemployment benefit, for a maximum period of 26 weeks, without means test but subject to attendance at a training centre (122, 349).

In accordance with the calculations, mentioned above, regarding a subsistence income ("national minimum"), and post-war changes in prices, the Report proposes the following provisional weekly rates of benefit to meet the needs so far discussed:

Unemployment, Disability and Training Benefit:

Man and not gainfully occupied wife (joint benefit)	..	..	40
Man with gainfully occupied wife not on benefit	..	..	24
Single man or woman aged 21 and upwards	..	..	24
Single man or woman aged 18-20	..	..	20
Boys or girls 16-17	..	..	15
Married woman gainfully occupied and on benefit	..	..	16

Retirement Pension (after Transition Period):

Man and not gainfully occupied wife (joint pension) ..	40s. basic
Single man or woman: man with gainfully occupied wife: woman contributor with husband below pensionable age (single pension)	24s. basic
Addition to basic pension for each year of postponement: On joint pension 2s. On single pension 1s.	

Maternity Benefit 36s.

(Provision is also made for Widow's Benefit, varying with her circumstances, and Guardian Benefit, as well as for an allowance for an adult dependant, other than wife.)

There are two grants of money, in addition to the industrial grant and the maternity grant already mentioned: one on marriage, for every woman, gainfully occupied, at the rate of £1 for every 40 contributions made by her before marriage, with a maximum of £10, the other a funeral grant (subject to contribution conditions) made in respect of every death, and varying from £20 to £6 according to the age of the deceased. This funeral grant is intended to supersede the existing practice of voluntary insurance against funeral expenses with the Industrial Life Offices and other associations, which is criticized as involving excessive cost.

The fact of receiving benefit or pension would be no bar to the receipt of a grant or allowance, but (with the exception of a pension for partial incapacity arising from industrial accident or disease) only one benefit or pension could be drawn at any given time (321).

A Statutory Committee for Social Insurance would be established, which would be charged with reporting on the adequacy of the benefits for subsistence needs, and recommending any changes necessary to adjust benefit rates to changes in the value of money (390 (d)).

To provide a fund from which all these benefits, etc., would be paid, a single compulsory contribution for all purposes would be paid periodically by each person, by means of insurance stamps.¹ The contributions of housewives not gainfully occupied form part of those of their husbands. As at present, the contributions of employees would be paid by their employers, and deducted from their wages or salaries; employers would be required to contribute in respect of their employees (354-8). Also as at present, the State would contribute to the Insurance Fund one-third of the total cost of unemployment benefit, one-sixth of the cost of pensions and of disability and maternity benefits; but nothing towards the marriage and funeral grants (279, and App. A, 33-5).

The actual weekly contributions proposed for employees aged 21 and

¹ Subject to certain exceptions; e.g. exemption is suggested for those who are not gainfully occupied and whose total income is at a rate less than £75 a year (363-4). In case of need, they would receive National Assistance (371).

over are: for men, 4s. 3d. from the employee, 3s. 3d. from the employer; for women, 3s. 6d. from the employee, 2s. 6d. from the employer; with reductions for younger people. For other people gainfully occupied and aged 21 and over: men, 4s. 3d., women 3s. 9d. (with reductions for younger people). For others (e.g. persons of private means) aged 21 and over: men 3s. 9d., women 3s. (with reductions for younger people). For this weekly contribution paid into the Insurance Fund, the scheme would ensure that the great majority of our citizens above school-leaving age would have a statutory right to receive from the Fund a subsistence income if and so long as their usual source of income failed them for reasons beyond their control, as well as certain grants and allowances. As for others in need, a subsistence income would be provided by National Assistance, subject to a means test. For all children there would be allowances paid out of the proceeds of general taxation. Every encouragement would be given to citizens to supplement the subsistence income by voluntary insurance.

It has already been mentioned that the Report assumes the establishment of a national health and rehabilitation service available to all, and financed mainly by the Exchequer and the local rates, plus a grant from the Insurance Fund. It must now be added that the Report also assumes for the success of the plan it proposes that mass-unemployment will not be allowed to occur again, and that the same individual will not suffer prolonged unemployment year after year. In detail, this means that the rate of unemployment for *all* employees must not exceed, on the average, about $8\frac{1}{2}$ per cent, and that unemployment of any individual for more than 26 weeks continuously should, in normal times, be rare (440-3).

At the present time, many administrative organs and Departments are in charge of social insurance: the Ministry of Labour, the Ministry of Health, the Commissioners of Customs and Excise, Friendly Societies, Trade Unions, etc. The Report proposes to unify the administration of the Plan for Social Security as a whole in a Ministry of Social Security under a Cabinet Minister, with local Security Offices (44-6, 385). The existing system by which National Health Insurance is administered through Approved Societies would be superseded, though it is suggested that Friendly Societies and Trade Unions might (subject to certain conditions) be given a place in the Plan for Social Security as responsible agents for administering the disability benefit to their members (48-76, 392).

This, then, is a general outline of the Beveridge Plan, but it can give little or no idea of the care with which the details are worked out in the Report, or of the interesting discussions and arguments which fill so many pages of this important social document. It remains to consider, in a future article, at least some of the points which have been raised by its critics.

LEWIS WATT, S.J.

THE GREAT ANTIPHON OF THE TRIDUUM DOMINI

THOSE who assist at the public performance of the canonical hours on Maundy Thursday, Good Friday and Holy Saturday are unfailingly struck by the fitness of the solemn Antiphon chanted before the final *Miserere* which brings each hour to an end. It is taken from the second chapter of St. Paul's epistle to the Philippians, verses 8-9, and reads as follows:

*Christus factus est pro nobis obediens
usque ad mortem, mortem autem crucis:
propter quod et Deus exaltavit illum et
dedit illi nomen quod est super omne nomen.*

Christ became for our sake obedient
unto death, even the death of the Cross:
wherefore God also hath exalted him and
given him a name which is above every
name.

This Antiphon is certainly soul-stirring and most effective in its dramatic setting. To the minds of the faithful, filled as they are to overflowing with that central memory of the Cross, these words come as a perfect climax: they form a fitting refrain to the discriminating choice of psalms, lamentations, verses, lessons, canticles and antiphons which succeed one another as the rings of a golden chain, celebrating the mystery of Christ's death, and final triumph, on the Cross.

The dramatic effect is enhanced by a subtly created sense of suspense. Thus at Matins and Lauds we have the gradual extinguishing of the lighted candles, culminating in the removal of the last candle, while still alight, from the apex of the triangle. Then there is the curiously hesitant effect produced by the incomplete recitation of the Antiphon on Maundy Thursday and Good Friday. On Maundy Thursday we sing only the words:

Christ became for our sake obedient unto death.

On Good Friday we go a little further, adding the words:

even the death of the Cross.

At last, on Holy Saturday, we bring out the fullness of the mystery with the further addition of:

Wherefore God hath also exalted him, and given him a name which is above every name.

Thus the imminent death of Christ is announced, as it were, on Maundy Thursday; the ignominy of the Cross is fully recorded on Good Friday; and on Holy Saturday we reach the glorious anticlimax: Christ's reward for His sacrificial self-offering on the Cross, in obedience to the Eternal Father's wish, is no less than the solemn worship, given to this same Christ, the God-Man, by the whole of creation.

The noble setting of the Gregorian music helps to suggest these thoughts. On the Thursday the melody begins in a low key as if afraid of recording such an unheard-of, tremendous event: it only dares to stress the word *obedient* as in adoring wonder at the motive-power of Christ's redeeming act. On the Friday the melody, still slow and as with an effort, goes on to announce, again in low tones which sound like the sobs of a loving heart, the incredible infamy of the Cross. But on Holy Saturday, as an echo of the first Antiphon of Lauds, "O death, I will be thy death", the melody rises with a triumphal ring of victory to proclaim to the world Christ's exaltation and the new name of Yahweh, with which Christ, the God-Man, has been graced by the Father and is now known and worshipped.

A closer study of the text of the Antiphon and of its importance and history in theology will, we hope, help the reader to appreciate the appropriateness of the liturgical use of the same Antiphon throughout Holy Week and especially in the three days which commemorate Christ's death. We have termed it the Great Antiphon of the *Triduum Domini*. The following pages will show how just and fitting is this appellation.

The Antiphon, as has been said, forms part of the well-known passage in Philippians, verses 5 to 11, where St. Paul gives one of the clearest statements we have regarding the twofold nature in the one Person of Christ. We append two translations of the whole passage, one by Archbishop Goodier, S.J., from the original Greek,¹ the other by Monsignor Knox from the official Vulgate.² Of course it will be the Greek text itself that will help us most in this brief patristic and liturgical enquiry. The Latin rendering is certainly unhappy. The translations read as follows:

Archbishop Goodier

Mgr. Knox

Let that mind be in you, which was also in Christ Jesus. For he, though he was by nature God, yet did not set great store on his equality with God: rather, he emptied himself by taking the nature of a slave and becoming like unto men. And after he had appeared in outward form as a man, he humbled himself by obedience unto death, yea, unto death upon a cross.

Wherefore God hath exalted him above the highest, and hath bestowed on him the name which is above every name, that at the name of Jesus "every knee should bend" in heaven, on earth, and under the earth, and that "every tongue should confess" that "Jesus Christ is Lord", to the glory of God the Father.

Yours is to be the same mind which Christ Jesus had. His very nature is, from the first, divine, and yet he did not set any store by the rank of Godhead: he dispossessed himself, and took upon him the nature of a slave, coming into existence after the fashion of men, and presenting himself to us in human form; and then he lowered his own dignity, accepted an obedience which brought him to death, death on a cross.

That is why God has raised him to such a height, given him that name which is greater than any other name: everything in heaven on earth and under the earth was to bow the knee before the name of Jesus, and every tongue was to confess Jesus Christ as the Lord, dwelling in the glory of God the Father.

¹ In the Westminster Version.

² In *The Tablet*, 28 March, 1942, p. 162.

The meaning and implication of this passage are unmistakable: St. Paul here clearly and emphatically proclaims the divinity of Christ. The Apostle in as many words describes the same Person, Christ, as (i) eternally pre-existent in His divine nature; (ii) having become incarnate in time; (iii) dying as a malefactor in an act of supreme obedience to the Father; (iv) glorified with attributes and powers no less than divine, including the appellation of Yahweh, the Lord God.

The cogency of St. Paul's statements is too obvious not to have been felt by the theologians of all ages. And yet, and very likely for this reason, heresy, also at all periods, has run wild in the futile attempt to explain away or gloss over the evident meaning of St. Paul's phrases. On this account the exegesis of this dazzling testimony to the divinity of Christ has had a curious history. Several groups among the Gnostics, the Arians and Nestorians quoted this text, as usual in a truncated form, to show that Christ had been possessed of only a created, human, nature. Another group of Gnostics, the Eutychians and kindred heretics cited it in the same mutilated form to prove that Christ was purely God and only apparently a man. Luther so exaggerated the import of the Pauline sentences that he claimed for Christ's human nature as such a right to the divine attributes and maintained that the *kenosis* of the Incarnation consisted in the renunciation of those rights of Christ's human nature. Since Luther's time non-Catholic exegesis of our text has gone to the opposite extreme and degenerated into the various kenotic interpretations which have in common the rationalization of the mystery of the Incarnation based on a more or less veiled denial of Christ's divinity. The notion of *kenosis* as held by present-day modernists and rationalists is simply, as Fr. Bonnar, O.F.M., aptly puts it, "nothing more than a timid truce with unbelief".¹

It is not difficult to see that all the above opinions, as well as all others propounded to explain away the Incarnation, are incompatible with our Pauline passage if it is considered in its context and entirety.

Read in this way, no kenotic interpretation of St. Paul's text can stand. Christ did not temporarily abdicate His divinity, being afterwards, as it were, restored to it. It was not His divinity that Christ gave up in His self-emptying, but rather the external pomp and recognition which were His right as God, so that He was prepared to appear among men as though He were nothing more than a man. In like manner, after His death on the Cross, it was not the divinity which was conferred on Christ, or that He received back, but the name, i.e. the glory of the divinity, the recognition on the part of mankind and of all creation of His true divinity, the solemn proclamation in the sight of all creatures that He is and in fact always was Yahweh, God. This is indeed the patristic interpretation as the reader may verify for himself by following up the patristic references given below. This is also the point of the liturgical use of St. Paul's text in Holy Week.

¹ Cf. *St. Paul and His Teaching*, edited by Fr. C. Lattey, S.J., 1930, p. 38.

Owing, however, to the unfortunate mishandling and mauling of our text by heretics, several of the Fathers, and later theologians, either keep silent about this Pauline testimony or use it in a diffident or apologetic way. For instance, St. Athanasius writes: ¹

"Therefore this word *exalted* does not mean that the nature of the Logos was exalted; since it always had been, and was, and is, equal to God; but it is written of Christ's human nature";

and again: ²

"It is not the Most High that is exalted, but the Flesh (*σάρξ*) of the Most High; and it is the Flesh of the Most High that is given that name which is above all names. Nor was it the Word of God that received as a gift to be called God, but the Flesh united to It has received the name of God."

St. Augustine too, who is fond of quoting our passage and regards it as a source of unfailing inspiration when he is speaking of the twofold nature of Christ, adopts a rather apologetic tone in the following passage:

"This oneness of the Person of Our Lord Jesus Christ, both divine and human, is so constituted that either nature shares with the other its appellations, as the Apostle says (he quotes our Pauline passage in full). Therefore that (that is, Christ's) divinity received the name of the humanity . . . and this humanity received the name of that divinity (*ergo et illa divinitas hujus humanitatis nomen accepit . . . et ista humanitas illius divinitatis nomen accepit*). Christ therefore appeared, that giant of a twofold nature (*geminae gigas substantiae*), on the one hand obedient, on the other equal, to God; in the former case showing himself the Son of Man and in the latter the Son of God."

Though we may regret that these and other Fathers⁴ choose to adopt

¹ *Or. I contra Arian.*, n. 40.

² *De Incarn. et Contra Arian.*, n. 1. St. Athanasius comments on the same passage in several other places: *Or. III contra Arian.*, n. 29 sqq.; *Or. IV id.*, n. 6; *Contra Apollin.* Lib. I, n. 7, 8; lib. II, nn. 4 sqq.; *De Trin. et Spiritu S.*, n. 16; *Expositio in Psalmos*, passing but especially in Pss. 17, 57, 87, 88, 98, 108, 109.

³ *Contra sermonem Arianorum*, n. 34. See also his book *Contra Maximum*, Lib. I, *passim* lib. II, cap. 2.

⁴ I append a list of references for those who want to read more of the Fathers on the passage: St. Irenaeus, *Adversus Haereses*, lib. I; Tertullian, *Adversus Praxeas*, cap. VII, XVII-XVIII; Clement of Alexandria, *Cohortatio ad Gentes*, cap. I, n. 3 sqq.; Origen, *Commentary on St. John*, on the text: *Nunc clarificatus est Filius Hominis*; Eusebius, *De Fide adversus Sabellium*, lib. I; St. Hilary of Poitiers, *Contra Constantium Imperatorem*, n. 19; St. Basil, *Adversus Eunomium*, lib. 4; St. John Chrysostom, *Homilies, VI and VII on St. Paul*; St. Ambrose, *vide infra*; Rufinus, *On the Symbol of the Apostles*, n. 14; St. Leo the Great, *Sermo* 72; St. Gregory the Great, *Comm. on the I Book of Kings*, vers. 33, 34; St. Bede the Venerable, *In Psalmum CIX* (of dubious authenticity); St. Paulinus of Aquileia,

an apologetic tone when quoting our passage, this nevertheless gives us the more reason for gratification when we listen to St. Paul's stirring words being used by the Church herself at the most sacred celebrations of the liturgical cycle, to proclaim Christ's self-sacrificing obedience and eternal divinity.

The phrase "Wherefore God . . . has bestowed on him—or, better, has graced him with—the name which is above every name" deserves particular attention. Note that the Greek has *the* name, *that* name, not merely a name.

What is, then, this definite name? A Jew, reading Philippians, would not hesitate to answer: it is the name of *Yahweh*, God Himself, a name never to be uttered by the Jews and always to be replaced by an equivalent designation or paraphrase. In other words, St. Paul clearly and simply calls Christ *Yahweh*—that is, God. It should be remembered that St. Paul was a Jew, strictly brought up as such from childhood, who, in details not opposed to his new Christian practices, certainly in his speech and use of Jewish idioms when writing Greek, remained faithful to his early Jewish training. When in his passage the Apostle wanted to state that Christ is entitled to the supreme name of *Yahweh*, force of habit made him substitute for that word the phrase "the name which is above every name". Much the same happens today when people of English-speaking countries make use of the paraphrase "the Holy Name" to designate "Jesus". I still remember the look of horror on the face of a good Irish priest when he heard a fellow priest from South America addressing his companion as "Jesus".

Replacing therefore St. Paul's Jewish idiom by the concept for which it stands, the Pauline text might be rendered more accurately somewhat as follows: "Wherefore God bestowed his own name of God on Christ, in order that before Christ every knee should bend in adoration." It is this inner meaning of the text which explains its use in the Liturgy during Holy Week.

Considerable patristic backing can be quoted for the above interpretation of our text. It is an interpretation which, after having been more or less abandoned for a time, is now coming into its own again. St. Ambrose writes very succinctly:¹

"Let us recall again what we have said and weigh the force of the idiom (*vim locutionis*): certainly the name which is above every name is the name of God (*certe nomen quod est super omne nomen, Dei nomen est*)."

Contra Felicem Urgell., lib. I, lib. II, cap. III and IV (the title of this chapter reads: *Nomen super omne nomen, et omnis genuflexio, non convenit nuncupativo Deo sed vero: Jesus ergo Deus, cui haec conveniunt*); St. John Damascen, *Comm. on the Philip.*, n. I; Smaragdus, *In Epist. et Evan., Domin. in Palmis*; St. Rhabanus Maurus, *Enarra. in Epist. S. Pauli*, lib. XIX (at great length and very profoundly); St. Anselm, chapters IX and X of the *Cur Deus Homo*.

¹ *Adversus Arian.*

The Pseudo-Dionysius is also very explicit:¹

"Now, is not that secret Name (of God) precisely that which is above all names and nameless, and is beyond the reach of every name that is named, not only in this world but also in the world to come?"

The exposition of Theophylactus, Archbishop of Bulgaria (A.D. 1070), must be quoted at length:²

"Wherefore God hath also exalted him and bestowed upon him that name which is above every name. When Paul speaks of Christ's Flesh he openly acknowledges all the humiliations which Christ received in his flesh. Understand this also to be said of Christ's Flesh; never, however, severing the one Person of Christ.

"What was, then, the name bestowed upon the human nature of the one Christ? It was "Son"; it was "God" (τὸ, 'Τὸς τὸ, Θεός). Since that Man was also Son of God, as the Angel said: That which shall be born of thee shall be called Son of God."

Even the poets contrived to express in metrical form the same tremendous truth. Thus Prudentius sings:³

*Huic inclytus perenne
tribuit Pater tribunal;
hunc obtinere jussit
Nomen supra omne nomen.*

To him (Christ) the glorious Father
gave the eternal tribunal; on him the
Father bestowed the Name above all
names.

And St. Paulinus of Nola:

*Salve, quod omnes coelici, medii, inferi
Nomen genu flexo audiunt:
Salve, unus, unus, unus in trino Deus!
Salve! una in uno Trinitas!*

Hail! Name which those of heaven, earth
and hell
hear with bent knee!
Hail! one, one, one triune God!
Hail! one Trinity in One!

Modern exegetes are therefore only following in the footsteps of the earliest and most distinguished commentators of St. Paul in explaining the Name above every name to mean simply Yahweh. Thus Archbishop Goodier has this concise note:⁴

"The name, therefore, is the name of God Himself: "Jesus" is here equated to 'Yahweh'."

Fr. Bonnar too writes:⁵

¹ *De Divinis Nominibus*, cap. I, 6.

² *Cathemerinon, ante somnium*.

³ *Op. cit.*, p. 61. See also C. Lattey, S.J., *St. Paul* (Phil. 1-11), pp. 84-103 of *The Incarnation*, edited by himself. Cambridge, 1926; Mgr. Knox, *The Tablet*, 3 Jan., 1942, p. 10.

⁴ *Comment. in St. Paul*, h. 1.

⁵ *L.c.*, p. 35.

THE GREAT ANTIPHON OF THE TRIDUUM DOMINI 161

"Hence 'the name which is above every name', i.e. Yahweh, is by the divine decree of the Incarnation given by God to Jesus Christ. In other words He is true substantial God, united to a human nature."

It should be added that in some early Christian writers, the expressions "to glorify the Name" (δοξάζειν τὸ ὄνομα)¹ or "the confession of Christ's Name" stand for to confess, or to preach, the divinity of Christ. This is what the clergy of Rome write to St. Cyprian:²

Totum fidei sacramentum in confessione Christi Nominis intelligatur esse digestum.

Most logically, therefore, theologians cite our passage to prove the doctrine of the *Communicatio idiomatum*; or, as Tertullian phrases it, *Societas Nominum Paternorum in Filio*;³ for, as the same Tertullian explains:⁴

Omnia, inquit (Christus), Patris mea sunt. Cur non et nomina?

The influence which this Pauline passage has exercised in ascetical literature is indeed beyond calculation. One quotation from St. Benedict's Rule will suffice as an example:⁵

"The third degree of humility is that a man submit himself for the love of God with all obedience to his superior, imitating Our Lord, of whom the Apostle says: He was made obedient even unto death."

When we bear all these considerations in mind we realize how strikingly appropriate and theologically convincing is the use of our Great Antiphon *Christus factus est pro nobis obediens usque ad mortem* during the days in which we commemorate Christ's death. It is a further instance of what may be termed the accurate theological sense of the Catholic Liturgy.

It is not easy to track down the earliest example of the liturgical use of this Antiphon. It had certainly been already introduced at Rome and in Gaul before the ninth century, and throughout the Western Churches with sundry small variants before A.D. 1000. It is already mentioned in the Roman Ordo for the three days before Easter in the famous MS. of Einsiedeln.⁶ Again, the three great protagonists of the English Benedictine revival of the tenth century, SS. Dunstan, Ethelwold and Oswald, inserted in their new monastic Ordinal, as they testify in the *Regularis*

¹ St. Ignatius of Antioch, *Philadelph.*, 10.

² *Epist.* 31 inter *epist. S. Cypriani*.

³ *Adversus Prax.* c. XVIII.

⁴ *Ib.*

⁵ *Regula Monasteriorum*, cap. VII.

⁶ Einsiedeln MS. 326. The Ordo reads: *Fer. V. Ad Matutinum non dicunt Domino labia mea, nec Invita (to) rium neque Gloria ad Psalmum neque Tu au (tem) Domino neque orationem neque Kirielleison per circuitum sed tantum Christus factus est pro nobis.*

*Concordia*¹ (written before A.D. 1000), a rite which is in the nature of a more dramatic elaboration of the sober Roman practice, and in which the refrain *Christus factus est pro nobis* forms part of the principal theme. This liturgical variant was adopted in the Sarum Ordinal of c. 1210.² The same Ordinal prescribes our Antiphon to be recited both at the beginning and at the end of all the Minor Hours throughout the three days.³ The practice of the Sarum Ordinal has been retained to this day by the Dominicans, the Carmelites, and several French dioceses.

The verse from Philipians which we have been considering appears in the Roman Missal on Palm Sunday as part of the Epistle of the Mass and in the breviary on the same day for the little chapter at Vespers, Lauds and the Minor Hours; it occurs again at the Introit of the Mass on Holy Wednesday and as the Gradual on Maundy Thursday. Thus throughout the sacred days of Holy Week the Liturgy directs the thoughts of the faithful to St. Paul's sublime enunciation of this central mystery of Christianity—the exaltation of Christ, through the infamy of the Cross, to the throne of the Godhead. *Fulget Christi mysterium*. No better theological synthesis or historical presentment of this greatest Act wrought by Christ for man could be found than the Pauline words which the Liturgy puts constantly on our lips during the week set apart for its public commemoration. It is as if the Church, through her inspired Liturgy, had approached the Cross in a spirit of profound adoration, had removed therefrom Pilate's inscription, and substituted the title given to Christ by his heavenly Father and that in Hebrew, in Greek and in Latin: YAHWEH, THEOS, DEUS.

ROMANUS RIO, O.S.B.

PROBLEMS ARISING FROM LEGAL ADOPTION

THOUGH legal adoption did not come into force in England and Wales until the passing of the Adoption of Children Act, 1926, its roots are to be found in Greek and Roman law. With minor changes the Church made the Roman law her own, and was followed by those countries which accepted the Roman law as the basis of their legislation.

¹ P. L., T. 137, col. 490. Cf. also H. Thurston, S.J., *Lent and Holy Week*, 1904, pp. 267 sqq. This custom seems to have originated at Fleury: it was observed in most of the great Benedictine abbeys of Normandy. Cf. Dom Martène, O.S.B., *De Antiquis Monachorum ritibus*, Lyons, 1690, T. I, Lib. III, cap. XIII, pp. 372–87, and *De Antiqua Ecclesiastica Disciplina*, Lyons, 1706, pp. 226–7.

² Cf. F. Proctor and Ch. Wordsworth. *Breviarium ad usum insignis Ecclesiae Sarum* Fasc. I, Cambridge, 1882, pp. dclxxii sqq.

³ *Ib.*, p. dclxxiii.

This Act was long overdue because adoption did not *de facto* confer legal custody, and so could not give legal security. This meant that until a child's sixteenth birthday adopters were haunted by the fear that the child they had come to love as their own might be taken from them by its natural guardian who also remained its legal guardian. This did in fact sometimes happen, especially when the child reached working age.

The Adoption of Children Act gave this security. Its effect is to confer permanently on the adopters almost all the rights and duties of natural parenthood, as if the child had been born to the adopters in lawful wedlock. One important exception is that an adopted child is not deprived of any interest in property to which it is or would have been entitled. Nor does it assume any right or interest by adoption in the estate of the adopter. If the adopters wish the adopted child to have any interest in their estate they must make this clear by will. No money must pass between the adopters and the child's guardian without the express authority of the court. No order to this effect is likely to be made as it might well vitiate the whole idea of adoption.

There is no mention in the Act of any religious rights or duties, or of religion at all. These rights and duties are by implication and in fact handed over with the rest, and once the adoption order is made the child's natural guardian has no redress. In practice I have known magistrates to point this out to a Catholic unmarried mother when they have known that the adopters were of a different religion. I have known a Catholic magistrate to adjourn a case rather than himself make an order under these circumstances. The court as such has nothing to do with the question of religion, which is solely a matter for the natural guardian to be satisfied about before giving legal consent to the adoption.

If there could be any question about telling a child that it is adopted the adoption certificate would settle it. In every column the words "adopted" or "adopter" occur, and as birth certificates must today be produced for so many purposes the child is bound sooner or later to find out. In any case it is an injustice not to tell. Such tragedies as I have known to arise in adoptions have come about through this omission, sometimes on the eve of marriage. I know of no difficulties when a child has been told in its early years, and I suggest that this should be before school age, or at latest before the age of ten. An incident which occurred shortly after the Act came into force may serve as a guide. A little girl of nine had been brought up by the prospective adopters from babyhood. The husband decided that she must be told. He was playing with the child, and remarked: "After all, you are not my little girl." Her retort was that he was "talking soft". The wife then added: "And you are not my little girl, either." The child told them they were both "talking soft". But whenever the occasion arose one may have some confidence that the memory of that conversation would revive without hurt to any of those concerned.

Another serious difficulty is how best to provide proof of the baptism

of an adopted child. Mere notification of legal adoption to the church of baptism is no solution. The question is one of urgency. The Liverpool Adoption Court has made orders in over 2600 cases. I hear the Manchester Adoption Court has already well passed this number. We may take this figure as average for large centres of population, to say nothing of smaller areas. The Liverpool Catholic Children's Protection Society has so far initiated nearly 250 cases in various courts, and other diocesan rescue societies are also interested in adoptions. Obviously an extract from the baptismal register in the name of the child (who is probably illegitimate), even if it includes marginal notes relative to the adoption, is no satisfactory solution, and will give great pain to the adopters, as I know from experience. Ultimately we may have a register for adoptions attached to the diocesan curia wherein the baptisms of adopted children may be kept. Meantime children are growing up, and proof of baptism is needed here and now.

After seeking advice in likely places over several years I have evolved a system of my own as an interim measure, which at any rate is practical. As soon as I have news of a legal adoption I ask for the adopted certificate of birth. This is compared with the baptismal certificate, identity is established, and I issue a fourfold Testimonium Baptismi in Latin which can be produced by the adopters to the proper authorities as required. The following is a sample:

Maria Brown filia legaliter adoptata Joannis et Margaritae Brown nata die Ia Aprilis, 1942, baptizata est cognomine natali Green, die 7a Aprilis, 1942, in ecclesia Sanctae Marie apud Liverpoolium.

150 Brownlow Hill,
Liverpool, 3.

Signed: J. CANON BENNETT.

10.1.43.

At the suggestion of a priest I now include the date of the legal adoption. If the Christian name is changed under the adoption order I note that as well.

I have a printed book of forms, from which one copy is sent to the adopters, one to the church of baptism for the parish priest to make such notes in the baptismal register as seem good to him, one is kept in the file of the case, and the stub remains on record in the book of forms. This is not alleged to be a certificate of baptism, but is a statement of baptism which can be proved from the file of the case. The name and address at the end of the statement is meant to be some guarantee of its accuracy.

Another problem arising from the Adoption of Children Act is that of marriage. Could an adopting father, for instance, marry his adopted daughter after the death of his wife? Setting aside the repugnance of the idea, can we arrive at any decision as to the validity or lawfulness of such a marriage?

Under Roman law, which was accepted by the Church, perfect adoption set up such a high degree of legal relationship as to constitute a diriment

impediment to marriage. A threefold legal relationship was set up, legal paternity as between the adopter and the adopted, including children and descendants of the adopted; legal fraternity as between the adopted and the lawful children of the adopter, provided they were under paternal control at the time of the adoption; and finally legal affinity as between the adopted and the wife of the adopter or vice versa. Marriage was permanently forbidden between parties covered by legal paternity and legal affinity, but legal fraternity ceased if and when the legal adoption was dissolved. The Church took over the Roman law on these points to give them the force of ecclesiastical law, and no difficulty arose until nations substituted their own civil codes for the Roman law. Some countries continued to regard legal adoption as a diriment impediment, others as only an impedient impediment, and others as no impediment at all.

The new Code cleared up any confusion, in cc. 1059 and 1080. The first lays down that "in those countries in which legal relationship arising from adoption renders marriage unlawful, marriage is also unlawful under canon law". The second says that "those who are declared incapable of marriage in civil law because of legal relationship arising from adoption cannot contract marriage validly under canon law". In Noldin's phrase, "we have civil law canonized by the Church". Our duty now is to find out the civil law on this point in particular countries. From this inquiry we are now left in no doubt that legal adoption is a diriment impediment to marriage in Italy, Spain, and Poland, and is an impedient impediment in Germany, Switzerland, and France, whereas in Austria it was, at least prior to the German occupation, no impediment at all.

At first sight in this country it might appear that legal adoption is an impediment to marriage. Section 5 of the Act lays down that "The adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock." It also mentions among the rights of the natural guardian extinguished by adoption "all rights to appoint a guardian, or to consent or give notice of dissent to marriage, and that all such rights . . . duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the adopted child was a child born to the adopter in lawful wedlock". Further, the adopter must be not under twenty-five years of age, and at least twenty-one years older than the child to be adopted. Finally, "an adoption order shall not be made in any case where the sole applicant is a male and the infant in respect of whom the application is made is a female, unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order". This last covers the case in which the wife of the applicant is not yet twenty-five years of age, whereas her husband is old enough, and is therefore the sole applicant.

It would therefore seem that an adopted child should in general be regarded as a child born in wedlock with all the consequences following on this legal fiction, including that legal relationship which the intimacy of

adoption would regard as a bar to marriage. But, whatever the implication, the fact remains that no actual obstacle to marriage is explicitly declared in the Adoption of Children Act. In the matter of inheritance the adopted child is explicitly excluded from the status of a child born in wedlock. It is not, then, to be regarded as a child of the marriage for all purposes. Silence on the question does not, therefore, seem to justify any assumption that the legislators either overlooked the question, or by implication set up adoption as a bar to marriage. They did actually consider the point, and left the matter open; this would seem to mean that they did not wish to establish any legal obstacle to marriage, no matter how repugnant the idea of such a marriage may be.

The latest commentary on the question is to be found in Clarke-Hall and Morrison's "Law relating to Children and Young Persons including the Law of Adoption" (1942). Commenting on the words, "The adopted child shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock," they say: "It has been suggested that these words would prohibit marriage between an adopter and an adopted child. This does not seem to be so; adopter and adopted stand to each other in the relation of parent and child in respect of the matters mentioned in the subsection, and these do not include marriage. The Act was based upon the report of the committee presided over by Mr. Justice Tomlin, and that report says: 'Again with regard to marriage, we are against the introduction of artificial prohibitions. The blood tie cannot be severed; the existing prohibitions arising thereout must remain, and it is repugnant to common sense to make artificial offences the result of a purely artificial relationship. The relationship of guardian and ward does not today preclude intermarriage, and the adopting parent will only hold the position of a special guardian. We therefore recommend that legalised adoption should have no effect in this regard at all.'"

It would appear, therefore, that while the law places *de facto* obstacles by setting age limits on adopters, there is at present no legal obstacle to the marriage of adopter and adopted. Such a marriage would therefore be both valid and lawful in canon law.

The question has arisen recently whether a Catholic Adoption Society should not be set up on a national basis. Already the work is covered by the Catholic Child Welfare Council, which is made up of the various diocesan child rescue societies. These are already expert in the law relating to adoption, because they normally have children for adoption, and have worked out a technique for the investigation of applications and for the spiritual and material well-being of the children. Any Catholic who is interested either in offering a child for adoption or in desiring to adopt a child will naturally consult his parish priest, who should be able to direct him to the diocesan rescue society. This involves the Catholic community in no additional expense, as adoption is part of the routine work of the society. It would further be a good arrangement if these societies were

attached to the diocesan curia for purposes of keeping the diocesan registers of legal adoptions.

At present adoption societies, no matter of what kind, have no legal status and have strictly no right to be present at the hearing in court of an application for an adoption order. All cases are heard *in camera*. There is, however, a second Act in the Statute Book, the Adoption of Children (Regulation) Act, 1939. It has not yet been put into operation because of the war, but rescue societies and adoption societies are pressing strongly for its immediate application.¹ Its effect will be the registration of any bodies engaging in adoption work, because its purpose is to regulate the transactions of adoption societies and persons undertaking the arrangement of adoptions. Any societies not so registered will be forbidden to engage in adoptions, the aim being to remove abuses which have crept in through unscrupulous agents of whose activities those engaged in the work are already aware. The increase of abuses during the war makes us all anxious for the Act to be put into operation without delay. We shall then have a legal status, and our position will be stronger. It is likely too that local authorities will set up local adoption committees, and we should see that we are represented on them for the sake of our Catholic children, as well as in the public interest.

This is not the occasion to discuss the difficulties which may arise in the course of specific adoptions, or one's attitude to the general question of adoption. Only this I will emphasize. On the one hand you have childless couples denied children in the order of nature, with a devouring hunger in their hearts for the love of little children. On the other hand you have little ones denied from birth the love which is their due, with no prospect of that family background which Almighty God meant us all to enjoy. Would anyone deny either to adopters or adopted the happiness nature has kept from them? "He that shall receive one such little child in my name, receiveth me" (St. Matthew, xviii, 4).

J. BENNETT.

FRENCH CHURCH MELODIES IN THE WESTMINSTER HYMNAL

REFERENCE is made in the musical preface of THE WESTMINSTER HYMNAL to the various sources from which the melodies in the book have been drawn. Amongst these sources are the old French Diocesan music-books dating from the sixteenth century, and La Feillée's "Méthode du Plainchant". By using the index of Composers, Arrangers, and Sources of

¹ The Home Secretary has since decided that the Act shall come into force at an early date.

Melodies, to be found at the end of the hymn-book, these tunes can easily be found under their specific origins; for example, an Angers Church melody has been given to No. 128; it derives its title from the hymn *Inte Confessor* for which the tune was originally composed; note also the tunes under: Bayeux, Dijon, Grenoble and Rouen.

The decline of the golden age of plain-chant set in early in the Middle Ages with the introduction of harmony. From that moment the delicate and graceful accentuation and rhythm of the chant were lost, for harmony needs a far more rigid and uniform measure; the excellences of the two schools of music could not exist side by side, and plain-song became for centuries the bond-slave of modern music. Always retaining a certain innate dignity and majesty of its own, it passed into the realms of measured music. Hence it came to pass that during the sixteenth and succeeding centuries there came into use, throughout the churches and cathedrals of many dioceses of France, a number of tunes in measured form, taking the place of the older unmeasured true plain-song melodies. These tunes were in most cases founded on the old plain-song melodies, and in other cases on favourite secular airs; but in the case of the latter the original sources of individual tunes have often not been ascertained. A good example of the former is the famous Sequence of the Ass, sung at Sens and other French cathedrals. During the Middle Ages there was celebrated on January 14th a Church festival known as the Feast of the Ass, commemorating the flight into Egypt. A young woman holding a child in her arms and seated upon an ass was led in procession through the streets of the town and finally into the principal church, where Mass was celebrated, whilst the ass with its burden stood beside the High Altar. During the service the Sequence, of which the first lines were "*Orientis partibus Adventavit asinus*"¹ was

¹ Here is the full text of the sequence:

*Orientis partibus
Adventavit asinus,
Pulcher et fortissimus,
Sarcinis aptissimus.*

Refrain:

*Hez sire asnes, car chantez,
Belle bouche rechignez,
Vous auez du foin assez,
Et de l'avoine à plantez.*

*Lentus erit pedibus,
Nisi foret baculus,
Et eum in clunibus
Pungeret aeuleus.*

*Hic in collibus Sichem
Jam nutritus sub Ruben,
Transiit per Jordanem,
Saliit in Bethlehem.*

*Ecce magnis auribus
Subjugalis filius,
Asinus egregius
Asinorum Dominus.*

*Salto vincit hinnulos
Damas et capreolos,
Super dromedarios
Velox Madianeos.*

*Aurum de Arabia,
Thus et myrrham de Saba
Tulit in Ecclesia
Virtus asinaria.*

*Dum trahit vehicula
Multa cum sarcinula,
Illius mandibula
Dura terit pabula.*

*Cum aristis hordeum
Comedit et carduum;
Triticum a palea
Segregat in area.*

sung to the tune given in W.H., No. 111. The two chief sources of the tune are a manuscript in the library of Sens, "Office de la Circoncision à l'usage de la ville de Sens". This was the work of Pierre de Corbeil, Archbishop of Sens, who died in 1222. There is another and similar manuscript in the British Museum originally from Beauvais. Richard Redhead, organist at the famous Margaret Street Chapel in the time of the incumbency of Canon Oakeley, introduced the tune to this country in his "Church Hymns with Tunes" (1853).

A comparison of the original chant of *O filii et filiae*, W.H., No. 242, with the popular version, No. 53, will show exactly what these French musicians did. During the eighth and ninth centuries there arose a practice of supplementing the chant with melodies of a more ornate character. These interpolations were called Tropes. Since, however, such passages were difficult to remember, a further custom developed of fitting words to them; the words thus added were usually in Latin, although in some countries they were sometimes written in the vernacular. The earliest specimens of French popular religious songs were produced in this way. The melody of the hymn *O filii et filiae* was originally that of a Trope sung in Provençal and inserted in the Epistle for Easter Day to words commencing "Ab Magdalene un matin", to which the Latin words by Jean Tisserand, a Franciscan Friar who died in Paris in 1494, were fitted some two centuries later. The popular form of the melody is to be found, in various forms, in books of the seventeenth and eighteenth centuries. The earliest of these, probably, is "Airs sur les hymnes sacrez, odes et noels" (Paris, 1623). Variants appear also in the following: La Feillée's "Méthode du Plainchant", "A Pious Association" (London, 1748), "An Essay on the Church Plainchant" (1782), and Webbe's "Collection of Motetts or Antiphons" (1792), the last-named being the source of the version given for No. 53.

There are six melodies (Nos. 103, 129, 149, 150, 158, 205) in the hymn-book that have been taken from La Feillée's manual. François de la Feillée, who flourished towards the middle of the eighteenth century, was a priest attached to the choir of Chartres Cathedral. He compiled various manuals of plain-chant, but the best known is his "Nouvele Méthode pour apprendre facilement les regles du Plainchant et de la Psalmodie; Avec des Messes et Ouvrages en Plainchant figuré et musicale, pour les fêtes sollemnelles, à voix seule et en partie". It was, in its day, a famous work and passed through several augmented editions. It was first published in 1745 and is truly pseudo-plain-chant in character, the musical notation throughout being the black square and diamond notes of the period. The "Messes musicales" break out now and again into two parts, and to some of these is added the quaint direction: "à laquelle il convient de joindre un serpent au choeur". Three melodies have been taken from the hymns in the book: *O quam glorifica luce coruscas* (W.H., No. 149), *Regnator orbis summus et arbiter* (W.H., No. 205), and *Nil laudibus nostris eges* (W.H., No. 103). The last-named appeared first in "Hymns A. & M." under the title of St. Ambrose, and as all

hymnologists know the tune by that name, it was thought best to retain it in THE WESTMINSTER HYMNAL. La Feillée also gives a Proper for the Feast of the Ascension of our Lord, which has nothing in common with the Proper of the Feast as we know it. It contains a sequence of twelve verses in long metre; he uses five different melodies, and, of these, three are to be found in our hymn-book: *Solemnis hæc festivitas* (No. 158); *Ab ascensu ducitur* (No. 150); and *Patri monstrat assidue* (No. 129).

Grafton (W.H., No. 154) is a French Church melody of more recent date. It is taken from a collection called "Chants Ordinaires de l'Office Divin," published in Paris in 1881. It is an expressive tune retaining the marked characteristics of the earlier ones.

Finally, there is one hymn which, on account of its wide use and popularity—there cannot be one modern hymn-book in the English language that does not contain it—is most interesting, though its history is very obscure as regards both words and music. The hymn—*Veni Emmanuel*, Nos. 4 and 232—was originally a versification of five of the "Great O's", but the date of its composition is uncertain. Dr. Neale, who translated it, ascribed it to the twelfth century, but there exists no real proof of this. It has been traced back as far as a collection of 1710 called "*Psalterium Cantionum Catholicarum*", where it appears in an appendix. Since that date two verses have been added to complete the number, and THE WESTMINSTER HYMNAL gives this complete form with the "Great O's" in their correct order. The tune itself has not been definitely traced to an earlier source than "The Hymnal Noted". This hymnal, published in 1854, was compiled by Thomas Helmore, Master of Choristers at the Chapel Royal, St. James's, at the request of the Ecclesiological Society, a society devoting themselves to the reform of Church music. It is there said to have been taken from a French missal in the National Library, Lisbon, but all efforts to trace it have failed. Possibly it might be an adaptation made by Helmore for the hymnal to suit Dr. Neale's translation. It does not seem to be a genuine mediæval melody, but it is more than likely that it has been built up on phrases from a very late plain-song Kyrie.

Most of the French ecclesiastical melodies were brought into use in England by the work of the Rev. J. B. Croft, choirmaster of St. Matthew's Church, Westminster, during the latter half of the nineteenth century. The Rev. G. R. Woodward compiled in 1904 an extremely valuable collection of hymn-tunes with the title "Songs of Syon". It was, in the words of the editor, "an honest endeavour to raise the standard of English taste, by rescuing from oblivion some of the finest melodies of the sixteenth, seventeenth and eighteenth centuries". The best of these old French tunes find a place in this collection. In 1906 Dr. Ralph Vaughan Williams, the most distinguished of living English musicians, incorporated them in "The English Hymnal", of which book he was musical editor. From that time they have found their way into most, if not all, of the hymn-books published in recent years; and, eventually, they have found their rightful place in

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Catholic hymnal. Sir Richard Terry constantly reminded us in times past "of a fact which too many English Catholics have forgotten—that the Catholic Church is rich beyond compare in noble tunes that have stood the test of time (a sure proof of their fitness for congregational purposes). Protestants have recognized the worth of these tunes and have filled their books with them." The French Church melodies have a fine sweeping quality that makes them attractive and popular. A purist might make the objection that they are simply "debased" plain-chant; but the truth is that they have travelled so far in their development that they form a genus of their own. They may be regarded as a link between the new and the old, and many of our congregations will be more easily led to an appreciation and love for the real chant by retracing the paths that of old led them away from it. First and foremost, they are fine tunes; they are simple, yet there is nothing soft or feeble about them; the melodies are well drawn, clear, decided and convincing, strong and invigorating; they have stood the test of time and their merits are universally acknowledged.

W. S. BAINBRIDGE.

SERMON NOTES

THE FIRST POPE PREACHES

IF Christ be not risen, then, as St. Paul remarked to the Corinthians, our faith is vain. And we are reminded in our apologetics that the argument for the truth of the doctrine of the Resurrection is strengthened by the fact that it was publicly preached within a few weeks of the event itself in the very city in which it happened. A consideration of the circumstances of this preaching may prove to be rather fascinating.

THE MAN

St. Luke consistently calls him Peter, the Rock. We might notice the implications of this deliberate practice of the Apostles and Evangelists. It is surely not fanciful to infer here a note of affection as well as loyalty towards the Chief whom they thus habitually designate by the term adopted by their Master to declare Simon's function and office: not to mention his character as the Apostles came to know it subsequently. And if, wherever we read "Peter" in the New Testament, we substitute "the Rock" in plain English, we shall get some stimulating and surprisingly illuminating sidelights both on the events narrated and on the persons concerned in them.

In the chapters of Acts which concern us here—ii-v—Peter, this Rock, is the evidently accepted leader of the Christians. St. Luke's attitude is plain in his consistent use of the term. That of the Apostles is implicit both in their use of the term and in a dozen other details too, in these particular chapters. When the crowd in the street at Pentecost are beginning to scoff, "These men are drunk," and the other Apostles are seemingly losing their grip on their respective audiences, Peter intervenes to take command of the whole situation, grips the crowd, focuses their interest, convinces them, and secures the repentance and baptism of 3,000 souls (ii, 12-41). Accompanied by John when accosted by the cripple at the Gate of the Temple, Peter works the first Christian miracle "in the name of Jesus Christ of Nazareth" (iii, 1-11). Still accompanied by John, Peter addresses the crowd attracted by the embarrassingly violent gratitude of the erstwhile cripple (iii, 12-26). Arraigned with John before a formal and hostile session of the Sanhedrim—the Jewish Supreme Council, no less—to face an official challenge to the whole Apostolic office, Peter meets it (iv, 5-12). And when the same supreme public authority makes further efforts to interfere, Peter again makes firm declaration of Apostolic duty (v, 17-32).

Such is our Preacher, as shown in these chapters: the acknowledged leader of his fellow Apostles. We have independent knowledge of his antecedents and subsequent history, of course; and we may learn a lot more about him as we proceed here.

THE MATTER

In each address to the people, and in the two (or three) clashes with the Council, the same themes recur: Jesus of Nazareth was approved by God; His Crucifixion was for the remission of sins; He rose again; the Apostles are charged by God to witness to these events, and they will do so. In sum, "Let all the house of Israel know most certainly that God hath made both Lord and Christ this same Jesus whom you have crucified." It is a call that has rung through the centuries if ever call did.

I. On each occasion Peter declares who Jesus is.

(a) To the crowd in the street at Pentecost: "Jesus of Nazareth, a man approved by God among you, by miracles and wonders and signs, which God did by him in the midst of you, as you yourselves know" (ii, 22).

(b) To the crowd in the Temple: "The God of Abraham, the God of Isaac, the god of Jacob, the God of our fathers, hath glorified His son Jesus . . . the Holy One and the Just . . . the Author of Life" (iii, 13 ff.).

(c) To the Princes and Ancients and Scribes in the Sanhedrim: "By the name of our Lord Jesus Christ of Nazareth . . . this man standeth before you whole." Nor could the Sanhedrim miss the meaning of the juxtaposition which St. Peter contrived here. To us, the expression "Our Lord Jesus Christ" is familiar; and in English it does not clearly connote divinity; indeed, when need arises, we say "Our Divine Lord". In Aramaic, as Peter presented it to the Sanhedrim, it could mean one thing only, "Adonai", the God or Jahweh of us all. (Cf. Pope: *Layman's New Testament*, hoc loco. The Westminster Version omits "Our Lord".) To the theologians of the Sanhedrim, then, St. Peter states the full theological title of his Master, and

theirs: Our Lord Jesus Christ of Nazareth: the Messiah: true God and true Man (iv, 10). The same declaration was evident again in Peter's reply when the Sanhedrim formally forbids any further preaching in this Name. "If it be just in the sight of God to obey you rather than God, judge ye" (iv, 19). It is the first open clash of the Papacy with a civil power which would try to stop the essential work of God's Church. And the principle affirmed on that occasion by the first Pope has been the bed-rock principle of every one of the many Popes who have found themselves in similar situations during the past 1900 years.

(d) The second clash came a few weeks later; and it followed the same lines. But it was not just Peter and John this time: it was Peter and apparently all the Apostles arraigned there before the Sanhedrim. "Commanding we commanded you," they were told, "that you should not teach in this name; and behold you have filled all Jerusalem with your doctrine; and you have a mind to bring the blood of this man upon us." Ignoring the crooked attempt to suggest a charge of sedition, Peter reaffirms the same principle: "We must obey God rather than men" (v, 29).

II. On each occasion Christ crucified is declared to give remission of sins.

(a) To the crowd in the street: "This same, being delivered up, by the determinate counsel and foreknowledge of God, you by the hands of wicked men have crucified and slain. . . ." "What shall we do, men and brethren?" "Do penance and be baptised, every one of you, in the name of Jesus Christ, for the remission of your sins." (ii, 23, 38).

(b) To the crowd in the Temple: "But the Author of Life, you killed. . . . But those things which God had already shown by the mouth of all the prophets, that His Christ should suffer, He hath so fulfilled. Be penitent, therefore, and be converted, that your sins may be blotted out" (i.e. Accept Christ Crucified (iii, 14-19)).

(c) To the Sanhedrim at the first clash: ". . . Our Lord Jesus Christ of Nazareth, whom you crucified . . . There is no other name under heaven given to men, whereby we must be saved" (iv, 12).

(d) To the same at the second clash: "The God of our Fathers hath raised up Jesus whom you put to death. . . . Him hath God exalted with His right hand, to be prince and saviour, to give repentance to Israel, and remission of sins" (v, 31).

III. On each occasion Peter affirms the Resurrection of Jesus—not as news, and not as a religious opinion, but as a public event, well-known, challenging and decisive.

(a) To the crowd in the street, the Resurrection was Peter's main theme, to which he passed as soon as he had eliminated, with a passing touch of good humour, perhaps, but certainly effectively, the very inconvenient tendency to ridicule which was then beginning among the crowd. It was an amazing achievement, of course. A practised speaker may be comfortable enough with an audience that has come to listen to him: especially if he has pleasant things to say to them. Peter had to deal with an audience that was already scoffing; and Peter was surely not yet a practised speaker: his audience had no antecedent interest in him: and he had some quite unpleasant things to say to them. But we cannot linger on that. But in the first Pope's first sermon we have a declaration of the Resurrection, as mag-

nificent and as solemn as the unique occasion demanded. He gives it a new opening: "Ye men of Israel, hear these words. Jesus of Nazareth . . . whom God hath raised up." Acutely and appropriately he points out that certain words of David in a well-known passage are contrary to the facts of David's death and burial, and are verified only of Jesus. "He spoke of the resurrection of Christ. For neither was he left in hell, neither did his flesh see corruption. This Jesus hath God raised up again" (ii, 22-32).

(b) To the crowd in the Temple he declares the Resurrection in a vivid double antithesis: "The author of life you killed, whom God hath raised from the dead." He contrasts first the release that they gave to a destroyer of life, with the death that they inflicted on the author of life; and then their act in murdering the author of life, with God's act in raising Him from the dead (iii, 14, 15).

(c) and (d) To the Sanhedrim on both occasions, the same antithesis is firmly presented again: "Jesus Christ of Nazareth, whom ye crucified, whom God hath raised from the dead" (iv, 10); "The God of our fathers hath raised Jesus, whom ye put to death" (v, 30).

IV. Another element common to those four addresses is the claim of witness. And surely, in Peter's mind, it was dictated by the memory of some of his Master's very last words: "You shall be witnesses to me" (i, 8).

(a) "This Jesus," he says to the crowd in the street, "God hath raised up; whereof all we are witnesses" (ii, 32).

(b) "The author of life you killed," he says to the crowd in the Temple, "whom God hath raised from the dead; whereof we are witnesses" (iii, 16).

(c) To the Sanhedrim at the first clash, the claim is expressed as an argument addressed to reason, to explain to this supreme Council, activities which to them may look like civil disobedience: "We cannot but speak the things which we have seen and heard" (iv, 20).

(d) In the second clash, the claim becomes a declaration of fact and intention in the face of penalties now certainly coming to himself and his fellow Apostles: "And we are witnesses of these things" (v, 32). Is it fanciful to see in this rugged persistence of Peter on this point, a product of something deep and intense in the heart and the will of the man who could not forget his threefold failure to witness?

THE METHOD

Compressed as these discourses must be in the form given to them here by St. Luke, they still show evidence of St. Peter's quite remarkable awareness of the varying needs of his various audiences.

(a) In the crowd in the street, there were not only Jews of Jerusalem, and Jews ordinarily resident elsewhere, but also all those other persons belonging to the nations and regions mentioned in the list which is so familiar to us. What concerned Peter was that there were Gentiles as well as Jews. Primarily he addresses himself to his fellow Jews: "Ye men of Judea and all that dwell in Jerusalem." His main proofs are drawn from the prophecies contained in the Jewish Scriptures. (Not the Hebrew, by the way, but the LXX). The appeal throughout is to their national loyalty as inheritors of the promises. A Jew calls on his fellow Jews to accept the

Christ in whom their national religion and their national history find their common purpose fulfilled. The conclusion is a concise and sufficient and solemn declaration that the religion of God's chosen people could no longer look forward to the Messiah; for the Messiah had come: "Therefore, let all the house of Israel know most certainly, that God hath made both Lord and Christ, this same Jesus whom you have crucified." It looks like an *ex cathedra* definition. It is certainly a monument of history, marking the end of an era. But he does not forget the Gentiles among his hearers; after telling the Jews that God's promise was made to them, he adds, "and to all that are afar off, whomsoever the Lord our God shall call" (ii, 39). This reminder that the Kingdom of Heaven is Catholic was required as much for the enlightenment of the Jews as for the encouragement of the Gentiles. And we must notice Peter's readiness to make excuses for sinners ready to be repentant: "by the hands of wicked men"—not exactly with their own hands—they had crucified and slain the Lord; Peter is Pope, Father of his people.

(b) The crowd in the Temple were Jews, too. Again, therefore, Peter cites the Law and the Prophets: "For Moses said . . . And all the prophets from Samuel and afterwards, who have spoken, have told of these days. You are the children of the prophets, and of the testament which God made to our fathers" (iii, 20-25). In that word "our", we may see implied again that their acceptance of Jesus Christ will be the perfect fulfilment of their duty as sons of Abraham. Again, too, he makes excuses for them: "And now brethren, I know that you did it through ignorance, as did also your rulers." Something surely has happened to Simon the fisherman from Galilee, to enable him to address a crowd in the capital with this confidence and poise, this winsome condescension which presupposes affectionate interest as well as commonly acknowledged responsibility. It was a sure instinct indeed that led the Church to call Christ's Vicar the Pope.

(c) and (d) To the Sanhedrim, in both clashes, his method is necessarily more formal. For these men are hostile, and they constitute the supreme civil authority in juridical contact with the Jewish religion. But prisoner though he is, these Sanhedrists too must have his care as Supreme Shepherd. In their absence, he had made excuses for them (iii, 17). Face to face, they can at least be confronted with their solemn responsibility as masters in Israel: "Be it known to you all, and to all the house of Israel, that by the name of our Lord Jesus Christ of Nazareth, whom you crucified, whom God hath raised from the dead," etc. And Peter was evidently recalling the last occasion when his Master had spoken to these men, or many of them: it was in the Temple, within forty-eight hours of His Death: He had spent the whole of the preceding two or three days in a long last effort to soften the proud hearts of these men: He had told them: "This is the stone which was rejected by you the builders, which is become the head of the corner"; and Peter reminds them of it now, quoting the same words. Undoubtedly, Peter was thinking of his Master and of the Temple, which, till then, Jesus could call "My Father's House", but of which He could say, thereafter, "*your* House shall be left to *you*, desolate". And He left it, never to return (Matt. xxiii, 38). Quite evidently, here, with these hard hearts, with these mean minds blinded by pride, Peter could conceive no method better than that of His Master.

THE MANNER

To the Jews in both crowds, Peter is not only tolerant and conciliatory, he is also firmly insistent, but above all fatherly. Much of the evidence is implicit in what has already been said. But there is more than mere zeal in that "Be baptized, *every one of you . . . and you shall receive the gift of the Holy Ghost; for the promise is to you and your children*"; there is earnest and eager affection: it is a Pope, a Father, who is speaking here. The same consciousness of fatherly responsibility, and affection, and encouragement, can be seen in, "To you first, God, raising up His Son, hath sent Him to bless you" (iii, 26).

But the striking thing about these two sermons is their amazing workmanship. In his opening, in his grasp of the psychological situation, in his instant and lasting grip on the attention, in his choice and marshalling of arguments, in his clear and easy statement of vast and complex ideas, in his stark and vivid cogency, in his winsome touches of alert and human gentleness, in his compelling sincerity, in the sheer dignity of his startling effectiveness and success, this speaker might be judged a finished and practised orator. Actually he was a fisherman with little education, if any. He had probably never before addressed an audience in such circumstances. His speech hitherto had probably never required more than a sentence or two at a time. How do you account for it? Not mere enthusiasm. *Digitus Dei est hic*.

Before the Sanhedrim, of course, the situation is more complex, as we have seen. One side was frankly hostile, as well as perplexed and indignant. But most clearly, Peter is the real master of the situation on each occasion; and he evidently knows it; and so do they. Yet there is nothing here of the crude defiance which very commonly shows itself in human affairs when a subordinate finds that he really can plainly prove that hostile superiors are in the wrong. In Peter's discourses to the Sanhedrim on these occasions there is not a clumsy or redundant word anywhere. His speech and manner are perfectly courteous and correct, however superficially cold and firm in the face of their unwarranted hostility. It is the attitude of a Teacher, aware indeed of the public authority of these men and the public respect due to it, aware also of his own independent and fundamentally superior authority, but aware above all of paternal concern for these poor souls too. In that rather formal opening: "Ye princes of the people and ancients, hear," there is a good deal more than the respect due to the Sanhedrim from a common fisherman: there is more than common courtesy: there is that particular kind of courtesy which accompanies genuine authority rightly used. But, in addition to passages already noticed, there is surely also conciliation, encouragement, promise, for intelligent and presumably reflective men such as these members of the Sanhedrim, in such phrases as, "Him God hath exalted to be prince and saviour, to give repentance to Israel" (v, 29). The insistence is on Israel, whom these men officially represent.

As for the Gentiles in Peter's audiences, we must be dull indeed to fail to see the gentleness, the wistfulness, of his assurance to them that they, too, share the promises given to Israel. In Jewish ears it was not a very popular doctrine. But St. Peter forgets nothing of his Master's words, nothing of his Master's ways.

The Man: Christ's Vicar. The Matter: Our Lord Jesus Christ, Crucified for the remission of sins, Risen from the dead, Ascended to Heaven "to bless you": with the insistence on the events as historical. The Method: masterly beyond human ability. The Manner: fatherly: and it was the power of God that made him fatherly. There is nothing mediocre when the first Pope preaches.

H. E. CALNAN.

NOTES ON RECENT WORK

MORAL THEOLOGY AND CANON LAW

THE impossibility of obtaining literature from Europe during the war prevents us from commenting upon the many books and periodical articles which deserve a notice, and it is almost as difficult to purchase printed matter from the United States. When, after filling up various forms, an American parcel was allowed through the Customs, it was at first discouraging to find the contents described as "religious tracts", but happily the consignment was the first eight numbers of *The Jurist*, a Quarterly Review published by the School of Canon Law in the Catholic University of Washington, 1941-1942. The development of canonical studies at this University during the last few years has been remarkable, and we have often referred in this column to the printed doctorate theses published by the graduates. The new publication is rather on the lines of *Apollinaris*, the well-known Roman canonical journal, edited by the Faculty and devoted exclusively to canon law in its historical and practical aspects.

The first number, for example, opens with an article by Dr. Kuttner on the twelfth-century Bolognese monk Gratianus, whose *Concordia Discordantium Canonum*, later known as the *Decretum*, entitles him to be called the Father of the science of Canon Law. The second volume (1942) similarly contains, as the first article, a learned dissertation by Dr. Post on the so-called Laurentius-Apparatus to the Decretals of Innocent III. The Holy See has repeatedly insisted on the necessity of studying the sources of our laws, and all the Washington theses that we have seen give a prominent place to the history of the subject. It is satisfactory to see that this important aspect is so much to the fore in the new publication, though doubtless it is the practical side which chiefly interests the clergy and which rightly predominates in the pages of *The Jurist*.

Take, for example, the question of alienation of ecclesiastical goods, which is a constant difficulty at all times, and particularly when money is devaluating. From canons 534 and 1532, the sanction of the Holy See is required for the alienation of goods exceeding in value thirty thousand lire or francs, and it is now certainly established that this sum must be computed on the value of a gold currency, gold coin being the true unit of value. When the Code was promulgated, six thousand dollars was the equivalent of thirty thousand lire, but in 1934 the President of the United States reduced the gold weight of the dollar, and the amount specified in the canons is therefore no longer six thousand dollars but well over ten thousand. More-

over, since the Quinquennial Faculties of the American bishops designate ten thousand (gold) dollars as the amount beyond which the sanction of the Holy See is required, the sum is now approximately sixteen thousand nine hundred and thirty-one dollars. This is the contention of Dr. Doheny, writing on *Finance and Problems of Alienation*, Vol. I, p. 97, and we think it is unassailable: as money devaluates so will the computation of thirty thousand lire increase in amount. Many other points are discussed in this article, and in Vol. II, p. 120, Dr. Heston deals with stable capital as affected by the alienation laws.

Other points of canon law are elucidated which, like alienation, are chiefly the concern of the Ordinary and his Curia. Thus, Dr. Hannan, Vol. I, p. 317, explains the implications of canon 1519 which places upon the Ordinary the duty of guarding—*sedulo advigilare*—the administration of all ecclesiastical property in his diocese which is not exempted from his jurisdiction. In Vol. II, p. 385, Dr. Haydt defends a point of view which is of considerable practical importance in the matter of benefices reserved to the Holy See. From canon 1435 certain parochial benefices are thus reserved; but "manual" benefices are amongst those excepted, and arguing from the definition of a "manual" benefice in canon 1411, as well as from other sources, it is maintained that the "parocia amovibilis" is of this character. In a vast country like the United States of America, where, judging from the lists published in the *Acta*, domestic prelates must number thousands, the point is of great interest. For even though a domestic prelate very likely is an "immovable" parish priest, and therefore certainly enjoys a benefice which will be reserved to the Holy See when he vacates it by death or otherwise, the priest promoted to the vacancy may come from a "movable" parish and likewise the priest who succeeds him and so on to the end of the series of changes; from canon 1435 §1, 4 (*si beneficiarium promoverit*), all these are reserved unless they are excepted on the title of being merely "manual". Whilst being in favour of Dr. Haydt's view, which is not shared by some other canonists, and presumably would not be accepted by canonists of the Roman Curia, we must await some later issues of the journal before the argument can properly be weighed.

It is a pleasing feature of *The Jurist* that questions are often raised which promote discussion and controversy. There is, for example, the practice of priests belonging to an eastern rite celebrating in Latin churches. If there is some sort of necessity, no adverse criticism can be made—quite the contrary. But it has always appeared to us a bit odd to find an oriental priest being invited to a place solely for the purpose of exhibiting his rite, so to speak, before a startled body of faithful of the Latin rite. Dr. Hannan, in Vol. I, p. 149, presents the reasons against this practice, and in Vol. II, p. 47, Dr. Gulovich defends it. We agree with Dr. Hannan, though the common law on the subject is not very conclusive.

It would be a mistake to imagine that the topics discussed in this journal concern almost exclusively those to whom we sometimes refer as "the people at Bishop's House" or "the Archbishop's House people". Dr. Meier, in Vol. I, p. 199, establishes that a priest who is deprived of his parish with the penal procedure of canons 2182-2185, retains a right in justice, not merely in charity, to a fitting support, and this right is not lost except by some further penal process such as deposition. Other articles expound carefully the law

on subjects which are of interest and of practical moment to all priests, for example, the use of the faculty to say more than one Mass, Vol. II, p. 263; or the nature of the papal power in dissolving marriages *in favorem fidei*, Vol. II, p. 134. As is evident, these are topics which will be found discussed, at some time or other, in practically every clerical journal.

Of great value are various small items of information which have some bearing on canon law. Notwithstanding the fact that freedom of speech and the free exercise of religion are fundamental to the Constitution, there are many instances given of this alleged right being justly withheld: objectionable words and epithets are not included in the scope of the constitutional guarantee of free speech; and Jehovah's Witnesses are continually in trouble through a misunderstanding of what the free exercise of religion really means. Very remarkable, too, is the contrast between the laws of different states: the State Supreme Court of Connecticut, in conformity with its statutes, rules that it is illegal for a physician to prescribe the use of contraceptives in any circumstances; on the other hand, the Supreme Court of Oklahoma upholds the sterilization of an appellant who, being convicted once for chicken stealing and twice for robbery, was found to be a habitual criminal.

The journal follows the custom of most others of a similar kind in reprinting Roman documents from the *Acta Apostolicae Sedis*. Of greater moment, perhaps, because of their unique character, are the documents issued by the Apostolic Delegate, or those received by diocesan Curiae from Rome which are not of sufficient importance to be printed in the *Acta*. We learn, for example, that the Holy See has directed Ordinaries to restrict their application for faculties respecting certain indulgences (faculties which the clergy used to obtain quite easily by joining some association such as the A.P.F.) to priests "pro quibus speciales militant rationes, in precibus exponendae" (Vol. II, p. 305). If we may be permitted to make a suggestion, this publication of documents not printed in the *Acta* might be developed more extensively, with great profit to all readers of the Review. The *alumni* of Washington Canon Law School, drawn from all over the States, are no doubt destined to occupy various positions on diocesan Curiae; they could be persuaded, no doubt, with the permission of their Ordinaries, to furnish copies of any interesting document of faculty which is not of a secret nature.

Another suggestion we have to make is that a good commentary on the Quinquennial Faculties granted to Ordinaries of the United States should be provided. Actually there is nothing strictly private about them. They are printed by Vermeersch-Creusen, Bouscaren, Woywod and others, and a proper understanding of their terms would be, it appears, of general advantage to the clergy: they would not too easily apply for dispensations which are beyond the power of their Ordinaries to grant. Commentaries have often appeared on the faculties granted to missionary countries by Propaganda, and on those granted by the Holy See to Apostolic Delegates, but we do not know of any commentary on episcopal faculties except that by De Smet some years back in *Nouvelle Revue Théologique*.

We wish *The Jurist* a long and happy life, and trust that the scarcities of wartime will not cause it to depart from its present size and format.

E. J. MAHONEY.

QUESTIONS AND ANSWERS

BAPTISM OF EMBRYO

As far as my experience goes, Catholics generally presume embryo deliveries dead and they are burnt or disposed of without baptism. I should be surprised to learn that medicals and nurses did otherwise. I know of no specific leaflet on the subject, suitable for distribution generally. As the matter would appear to be grave, urgent and of frequent occurrence and so little seems to be done in authoritative declarations or instruction in seminaries, what method do you suggest to make the necessity and method of baptism known to the general public? (A. B.)

REPLY

Canon 743: Curet parochus ut fideles, praesertim obstetrices, medicos et chirurgi, rectum baptizandi modum pro casu necessitatis probe ediscant.

Canon 747: Curandum ut omnes fetus abortivi, quovis tempore editi, si certo vivant, baptizentur absolute; si dubie, sub conditione.

Canon 748: Monstra et ostenta semper baptizentur saltem sub conditione; in dubio autem unusne an plures sint homines, unus absolute baptizetur, ceteri sub conditione.

We know of no specific leaflet dealing with the above question. It will be found, we think, that the subject is always explained in the Seminary course in the moral treatise on baptism. The parish priest will observe the terms of canon 743 either by informing nurses and others of their obligation, particularly if his parish contains hospitals or maternity clinics, or by referring them to such associations as the *Catholic Nurses' Guild* or the *Guild of St. Luke, SS. Cosmas and Damien*. See pp. 517, 519 of the current *Catholic Directory*.

A discussion about signs of life in the embryo is too wide for this column. The fullest theological treatment is in Merkelbach, *Questiones de Embryologia* (1927), p. 70 seq. Though interesting, it is not strictly necessary for the due observance of the law; baptism should always be administered conditionally unless it is absolutely certain that life is wholly extinct.

A further query by "A.B." about latent life, applying to the victims of air-raids as subjects for Extreme Unction, was answered in this journal, 1941, XXI, p. 114.

MASS SERVER

If the Mass server is not a cleric, is he required to vest in cassock and surplice? Can one obtain small booklets for the use of altar servers explaining the correct method of serving Mass? (X.)

REPLY

Ritus Celebr. Missae, II, 1: ministro praecedente . . . superpelliceum induto.

S.R.C 23 November, 1906, 4194. 2: An omnes qui vestem talarem induunt, sint vel non tonsurati, debeant, iuxta Rubricas Missalis . . . superpelliceum induere, dum Missae privatae inserviunt? Affirmative, nisi pro laicis alicuius Familiae Religiosae obstant specialia statuta approbata.

8 June, 1911, 4271, 1: Utrum laico Missae inservienti ministrari possit Sacra Communio intra Presbyterium et in ora suppendanei Altaris, etiamsi non sit indutus habitu clericali? Affirmative.

(i) It is clear from these texts that the Mass server is not permitted to be vested in cassock alone; but it is not clear whether the lay server is strictly bound to wear a cassock, since n. 4271, 1 assumes that he is not so vested. From the historical point of view, the necessity of having a cleric to serve Mass appears to have been stressed from the IXth to the XIIIth centuries; the requirement is indicated in *De Defectibus*, X, 1. A recent writer has shown that it was not the discipline anterior to the IXth century. Cf. CLERGY REVIEW, 1940, XVIII, p. 279. It could be maintained indeed, since he makes the responses for the body of the faithful, that a lay server is more fittingly attired as a lay person.

In the present state of the law, accordingly, no rule is violated in serving a private Low Mass in lay attire: local custom should be followed, and we believe it is more usual in the parish churches of this country for the lay server to vest as a cleric when serving Mass. Thus O'Connell, *The Celebration of Mass*, II, p. 199: "When at all possible, the servers should wear a cassock and surplice—even if he be not a cleric—but if this be not possible, he may serve Mass in his ordinary dress."

(ii) There are at least three booklets in English for the instruction of Mass servers: *Correct Mass-Serving Made Easy*, by Dr. Calnan (Widdowson, 717 Fulham Rd., S.W.6, price 4d.); *How to Serve Mass*, by Ambrose (Burns Oates, price 3d.); *A Practical Guide for Servers at Low Mass & Benediction*, by Fr. Page S.J. (Burns Oates). Dr. Calnan assumes that clerical dress is facultative, Ambrose directs it to be worn, and Fr. Page notes that it is not of obligation but is more becoming.

PRIVATE BAPTISM

If there is time, is there a grave obligation to use baptismal water and to perform the subsequent ceremonies, when baptising at home a child who is dangerously ill? (A. B.)

REPLY

Canon 759 and Roman Ritual (1925), Tit. ii, cap. 1, 28: In mortis periculo . . . a sacerdote vel diacono, servantur quoque, si tempus adsit, caeremoniae quae baptismum sequuntur.

S.R.C., 23 January, 1914, n. 4310, and *Fontes*, n. 6395: An in administratione baptismi, quando imminet periculum mortis, post infusionem aquae, urgeat sub gravi Ritualis Romani praescriptum quoad unctionem Chrismatis, traditionem linteoli et cerei? *Resp.* Standum est Rituali Romano.

The obligation to perform the subsequent ceremonies immediately, deferring those which precede until they can be performed in the church, is plain enough from the above texts. We are not aware of any explicit direction to use, on such occasions, baptismal water; but it seems to us quite certain that this is the proper procedure, on analogy with the above rules, even though the rite is not strictly "solemn" baptism—*omnibus ritibus servatis*, canon 737, §2—and, therefore, is not strictly within the terms of canon 757, §1, which requires baptismal water for solemn baptism. That baptismal water should be used is the teaching of Claeyss-Bouaert, *Manuale Iuris Canonici*, II, §41; Callewaert in *Collationes Brugenses*, 1932, p. 453; Dunne, *The Ritual Explained* (1940), p. 25; Lehmkühl, *Theologia Moralis*, II, §60, and most of the older writers. It is also prescribed as a matter of course by some local synods in recalling the obligation of canon 759, e.g. Middlesbrough *Statuta*, n. 96.

It is implied, perhaps, in the reply S.R.C., n. 4310, that the performance of the subsequent ceremonies is *per se* a grave obligation; the same cannot be said with equal confidence of the use of baptismal water on these occasions. In any case, the obligation is qualified by the words "si tempus sit", and the priest himself must be the judge whether, on being summoned to administer baptism, it is wise to spend time assembling the various requirements for the complete observance of the above rules.

DEACON AND THE HOLY EUCHARIST

If a deacon, exposing at Benediction, finds it necessary to touch the Blessed Sacrament, should he do this himself or summon the celebrant? (W.)

REPLY

Our modern law, as in canons 741, 845, §2 and 1274, §2, requires some grave or just cause for the performance by a deacon of certain functions. It is, therefore, our opinion that it is unlawful for a deacon to touch the Blessed Sacrament when a priest is present, notwithstanding the fact that, as regards exposing the Blessed Sacrament, he is the ordinary minister and requires no special permission. For the act of exposition does not normally include touching the Blessed Sacrament; even in earlier days, when he always administered the chalice, this was forbidden, as St. Thomas explains in III, q. 82, a. 3, ad. 1: "dicendum quod diaconus quasi proprius ordini sacerdotali aliquid participat de eius officio, ut scilicet dispensat sanguinem . . . quia sanguis continetur in vase, unde non oportet quod tangatur a dispensante, sicut tangitur corpus Christi." It appears, therefore, that permission is necessary from canon 845, §2, precisely because

administering Holy Communion nowadays involves touching the Holy Eucharist. Nor, in the above case, is there any real necessity, since the celebrant can easily ascend the altar steps without causing any surprise to the people present. Cf. *L'Ami du Clergé*, 1910, p. 944.

ORDINATION DAYS

May we in this country regard the feasts of the Immaculate Conception and St. Joseph as lawful occasions for ordination, seeing that they are not days of obligation with us? (C.)

REPLY

Canon 1006, §2: Ordinationes in sacris celebrentur intra Missarum solemnias sabbatis Quatuor Temporum, sabbato ante Dominicam Passionis, et Sabbato Sancto.

§3: Gravi tamen causa interveniente, Episcopus potest eas habere etiam quolibet die dominico aut festo de praecepto.

Codex Commission, 15 May, 1936: An sub verbis *festum de praecepto*, de quibus in canone 1006, §3, veniant etiam festa per Codicem in universa Ecclesia suppressa? *Negative*. Cf. *CLERGY REVIEW*, 1936, XII, p. 77, where *affirmative* is wrongly printed for *negative*.

i. Actually the Codex did not suppress any holy days of obligation. On the contrary, in canon 1247, §1, two were restored which were not in the previous list of Pius X's *motu proprio*, 2 July, 1911, namely, Corpus Christi and the Immaculate Conception. The "suppressed" feasts, often known as "days of devotion", on which the obligation of saying Mass *pro populo* still exists, are those contained in the list issued by *S.C. Conc.* 28 December, 1919, *A.A.S.*, XII, 1920, p. 42.

ii. Before the Codex Commission gave its decision, 15 May, 1936, it was held by many canonists that "festum de praecepto" in canon 1006, §2, included the suppressed feasts, because in many other connections the term "festum de praecepto" was taken to include those which had been suppressed, and it was observed that even episcopal consecration could take place, from canon 1006, §1, on Feasts of the Apostles, many of which had been suppressed. Moreover no distinction is made in canons 339, §1, and 466, §1, between days of obligation and suppressed feasts, in so far as Mass *pro populo* must be said on all these days; the Church desired to preserve the solemnity of these suppressed feasts, the obligation of hearing Mass excepted, and the holding of an ordination was in harmony with this desire.

These reasons notwithstanding, the Codex Commission in 1936 decided in the opposite sense, the principle being—if these matters are subject to a principle—that the term "festum de praecepto" for ordination purposes means a feast which is of obligation in the universal Church. Accordingly, the directions of *S.R.C.*, n. 2682.1 and 2852, permitting ordinations on suppressed feasts, are now obsolete. On the other hand, in places where

the external solemnity is transferred to the following Sunday, ordinations may take place on the feast day itself as decided in S.R.C., n. 3890, I, 1.

iii. We have lastly the situation where, as in England, certain of the feasts enumerated in canon 1247, §1, are not of obligation: they are the Immaculate Conception and St. Joseph. Applying the same principle on which the decision of 1936 is apparently based, it seems to us as certain as anything of this kind can well be that ordinations are permitted on these two days because they are feasts of obligation in the universal church. As is evident, the only authorities of any value are those who have written after 1936, and the only one we can cite in support of this solution is the eminent canonist Roberti in *Apollinaris*, 1936, IX, p. 592: "Sequitur ex eodem principio generali: si quod ex vigentibus festis alicubi sit dispensatum, eodem die festo licet nihilominus ordines sacros conferre, quia etsi in peculiari loco dispensatus sit, nihilominus dies festus manet pro universa Ecclesia."

EXEQUIAL MASS ON SUNDAY

May the Requiem Mass (praesente cadavere) and the funeral office take place on a Sunday? (E. W.)

REPLY

It is not customary in many parts to have an exequial office on Sunday since the day is found unsuitable or inconvenient for many reasons. There is no liturgical law against it, unless the Sunday happens to be also a feast on which the exequial office is forbidden, or unless there is in the church only one Mass which the law requires to be other than a Requiem Mass, e.g. Mass *pro populo*.

The list of days upon which the exequial Mass is everywhere forbidden by the common law is given in *Addit. et Variat. in Rubr. Miss.*, III, 4. It is given in more specific detail by some of the writers, as Crogaert, *De Rubricis Missalis Romani*, p. 217, and the diocesan Ordo usually intimates the prohibition on these days in the calendar.

E. J. M.

ROMAN DOCUMENTS

(i) SACRA PAENITENTIARIA APOSTOLICA

(OFFICIUM DE INDULGENTIIS)

DECRETUM. INDULGENTIA PLENARIA CONCEDITUR PIAM INVOCATIONEM RECITANTIBUS AEREARUM INCURSIONUM TEMPORE (*A.A.S.* xxxiv, 1941, p. 382).

Ssmus D. N. Pius div. Prov. Pp. XII, paterna caritate gregis Sibi commissi saluti semper intentus, preces quorundam fidelium, qui hisce temporibus

bus ob aëreas incursiones in vitae discrimine versantur, libenter accipiens, in Audientia infra scripto Cardinali Paenitentiario Maiori die 19 vertentis mensis concessa, benigne elargiri dignatus est ut christifideles omnes, qui, quotiescumque civitates aliaque loca aëreae incursiones aggrediuntur, saltem contriti cum vero amoris in Deum et suorum peccatorum doloris actu, invocationem "Iesu, miserere mei", quavis lingua redditam (v. g. Gesù mio, misericordia—Mon Jésus, miséricorde—My Jesus, mercy—Mein Jesus, Barmherzigkeit), devote recitaverint, Indulgentiam plenariam consequi valeant.

Praesenti valituro tantum hoc bello perdurante. Contrariis quibuslibet minime obstantibus.

Datum Romae, e S. Paenitentiaria Apostolica, die 23 Decembris 1942.

✠ N. CARD. CANALI, *Paenitentiarius Maior*.

L. ✠ S.

S. LUZIO, *Regens*.

(ii) LITTERAE APOSTOLICAE

SANCTUS ALBERTUS MAGNUS, EPISCOPUS CONFESSOR ATQUE ECCLESIAE DOCTOR, CULTORUM SCIENTIARUM NATURALIUM COELESTIS PATRONUS DECLARATUR (*A.A.S.*, xxxiv, 1942, p. 89).

PIUS PP. XII

Ad perpetuam rei memoriam.—Ad Deum per rerum naturae cognitionem Sanctus Albertus Magnus Episcopus Confessor atque Ecclesiae Doctor *ad laudem Dei Omnipotentis, qui fons est sapientiae et naturae sator et institutor et rector* (*Physica*, l. I, tr. 1, c. 1) ascendere conatus, omnes sui temporis scientias sive quod ad sacra sive quod ad profana spectantes percipere contendit in eisdemque ita mirabiliter versatus est ut *stupor mundi ac doctor universalis* ab ipsismet aetatis suae scriptoribus tanta doctrina attonitis nuncupari meruerit. Enimvero praeter theologiam, philosophiam ac Scripturarum interpretationem, quibus tali studio ac sollertia operam dedit, ut paucissimi illius scientiam adaequarent, ad dissensionem inter Fidem ac Rationem tollendam, quam simulato suo de duplici veritate effato quidam eo ipso tempore philosophi in Studiorum Universitates inducebant, Sanctus Doctor, quoniam Dei *invisibilia . . . a creatura mundi, per ea, quae facta sunt, intellecta, conspiciuntur: sempiterna quoque Eius virtus et divinitas* (Rom. i, 20) res naturae investigandas a prima iuventute ad extremam usque senectutem acriter peratentemque aggressus est; investigatas autem posteris tradidit elaboratissimis scriptis multis, quibus historiam exquirere totius fere naturae tempore suo cognitae per omnes partes experimentalis, uti aiunt, methodo seu inductione diligenter studuit; quamvis ex tanti Magistri exemplo atque opera ob ipsas potissimum illius temporis condiciones atque instrumentorum defectum non omnes sint ii fructus percepti, qui iam tunc sperari potuissent. Nam si quae magnus Episcopus Ratisbonensis de experimenti necessitate, de sagaci observatione, deque momento inductionis ad veritatem circa naturae res assequendam statuit, ea iam recte aevo suo intellecta et perducta ad effectum fuissent, mirabiles illi scientiarum progressus, quibus

recentiora ac nostra tempora gloriantur, multa ante saecula fortasse reperta et cum optimo societatis humanae emolumento stabiliti fuissent. Nil mirum itaque si non modo ex Italia, sed tam ex Germania, et Gallia et Hungaria, quam ex Belgio atque Hollandia, nec non ex Hispaniis et America, Insulisque etiam Philippinis Studiorum Universitates et Conlegia Catholica praecipua una cum multis physicarum naturaliumque rerum professoribus nunc Albertum Magnum tanquam lucernam in caliginoso mundo contueantur, Illumque, qui iam tempore suo, quo multi oculos suos a spiritualibus rebus avertabant inani verborum scientia inflati, a terrenis et contra ad coelestia gradatim ascendendum esse exemplo docuit, suorum ipsorum ducem habere et coelestem intercessorem exoptent, ne in sua exacta naturae perscrutandae scientia Dei Omnipotentis auxilium eis desit. Quapropter ultro libenterque placet Nobis excipere vota tum a Catholicis Academicis nuper Treviris coadunatis, tum a Studiorum Universitatibus ceterisque scientiarum Coetibus internationalibus expressa, quae Generalis Ordinis Fratrum Praedicatorum Magister valide Nobis significavit, suas quoque preces atque Ordinis cui praestit enixas addens, ut coelestem Cultorum Scientiarum naturalium Patronum Nos eundem Sanctum constituere dignemur. Decimo sane anno a Litteris Decretalibus die xvi m. Decembris an. MCMXXXI datis, quas Decessor Noster rec. mem. Pius Pp. XI edidit ad Sancti Alberti Magni Pontificis Confessoris cultum, addito Doctoris titulo, universae Ecclesiae praecipendum, plane convenit, prout supremum Nostrum spirituale exigit officium, huiusmodi valde opportunum inceptum fovere: ob tristissimam quoque nostrorum dierum condicionem; cum non ad Dei laudem atque hominum salutem sed ad belli calamitates civilibus regionibus urbibusque inferendas nunc hodierni scientiarum progressus misere adhibeantur. Ipse Sanctus Albertus, qui difficillimis temporibus opera sua mirabili monstravit scientiam ac Fidem in hominibus concorditer vigere posse, valida sua apud Deum intercessione, Cultorum scientiarum, excitet corda mentesque ad pacificum rectumque naturae rerum usum, quarum leges a Deo constitutas scrutantur et quaerunt! Conlatis igitur de hac re consiliis cum Venerabili Fratre Nostro Episcopo Praenestino, Sacrae Rituum Congregationis Praefecto, omnibusque mature perpensis, praesentium Litterarum tenore deque Apostolicae Nostrae potestatis plenitudine, perpetuumque in modum Sanctum Albertum Magnum Episcopum Confessorem et Ecclesiae Doctorem Cultorum Scientiarum naturalium coelestem apud Deum *Patronum* declaramus et constituimus, privilegiis honoribusque additis, quae huiusmodi coelestis patronatus propria sunt. Contrariis non obstantibus quibuslibet. Decernentes praesentes Litteras firmas, validas atque efficaces iugiter exstare ac permanere, suosque plenos atque integros effectus sortiri et obtinere; illisque ad quos pertinent, seu pertinere poterunt, nunc et in posterum plenissime suffragari; siquid rite iudicandum esse ac definiendum, irritumque ex nunc et inane fieri si quidquam secus, super his, a quovis auctoritate qualibet, scienter sive ignoranter attentari contigerit.

Datum Romae, apud Sanctum Petrum, sub anulo Piscatoris, die xvi m. Decembris MCMXXXI, Pontificatus Nostri tertio.

A. Card. MAGLIONE, a *Secretis Status*.

BOOK REVIEWS

Catholicism and English Literature. By Edward Hutton. Cr. 8vo. Pp. 224.
(Frederick Muller. 8s. 6d.)

MR. HUTTON's purpose is not to review the contribution which Catholic authors have made to English Letters, but to examine the influence which Catholicism has exercised on the minds of English authors, and to estimate the relationship existing between the "something universal" which is the product in all art of the Catholic culture and Catholic outlook, and the main stream of our national literature. His book is divided into three parts, of which the first surveys the integrally Catholic literature of the pre-Reformation period, or, at least, as far as Milton. Ecclesiastical writers are, of course, the bridge between the earlier Anglo-Saxon work and the emergence of English into current use after the Norman and French penetration. In Langland Mr. Hutton sees the true representative of Catholic England, comparable to Dante, and surpassing Chaucer, whose cosmopolitan outlook lacks the mystic faith which is Langland's great inspiration. The treatment of Shakespeare is remarkably brief, but in this period of transition Mr. Hutton rightly emphasizes the debt which the Authorized Version, a monument in English literature, owes to the Douai translation.

Milton stands at the division between a Catholic and a Protestant civilization; and Milton's own work underlines the change. *Paradise Lost* was nobly conceived, whatever one may think of the final achievement; but *Paradise Regained* is shot through with doubt on the basic Catholic doctrine—the divinity of Christ.

In the second part, Mr. Hutton examines, not without some humour, the conception of Catholic life portrayed by non-Catholic authors. In the age of the birth of the novel, whose influence has been so profound, Catholicism was presented to the reader as something alien to ordinary English life. Held up to ridicule by Sterne, Fielding, or Smollett, it may be acknowledged by Richardson or even win sympathy from Defoe; but it is an unknown thing to England, something foreign, with its strange ecclesiastics and its odd un-English ways. Even Scott had no truly Catholic sympathies. The Faith was, for him, a picturesque decoration for romanticism.

From Dryden to Newman the revival of the Catholic influence begins, though many readers will be surprised at the place which Mr. Hutton assigns to Gibbon. But the revival of a specifically Catholic influence may easily be overestimated. If there was little of truly Catholic value in the eighteenth and nineteenth centuries, there was nevertheless a great Christian background. Today, it is true, we have a strong and growing band of Catholic writers, with great names in the immediate past, and great promise, we must hope, in the future. Yet the background of thought has dissolved into a welter of materialism and atheism, foreign to the Catholic mind and seemingly impervious to the penetration of essentially Catholic thought. The task of the Catholic writer has, to that extent, become so much harder in the modern world; and by the same token has his responsibility increased. Mr. Hutton avoids the note of despair, but there is no mistaking the sombre tone of his closing pages. He has given us a most valuable book which,

despite the present darkness, brings home to us, and not without a breath of courage, the grand tradition and inspiration for which we stand.

A. B.

Letters of Herbert Cardinal Vaughan to Lady Herbert of Lea, 1867 to 1903

Edited by Shane Leslie from the MSS. at Courtfield, with an Introduction by J. Brodrick, S.J. Pp. xxiii+453. (Burns Oates & Washbourne. 18s.)

SOME famous letter-writers—Pliny the Younger, for example—had the public in view when they wrote even to private correspondents, with the result that their style suffers from a certain stiffness and unreality. If Cardinal Vaughan is ever ranked as a famous letter-writer, he will never be accused of that fault. He does write very beautifully at times, especially on a theme which is dear to him, such as the meaning of the cross in life. But he had no eye on posterity when he wrote. He wrote cordially and very intimately to the one correspondent, his spiritual daughter, and he destroyed all her letters to himself.

The correspondence begins in 1867, soon after Lady Herbert's conversion. With Manning's approval he became her spiritual director, and quickly perceived that his thoughts and ways were one with hers. They became warm friends. Fr. Brodrick in his vivid Introduction on the Spirit of Cardinal Vaughan compares them to St. Francis de Sales and St. James Frances. Vaughan himself had a different comparison. "You shall be my Paula," he wrote, "and I will be your rough and hard old Jerome." The two Herberts found an outlet for their energy and spiritual affinity in work together for God. All Vaughan's great undertakings—Mill Hill, St. Bede's, Manchester, Westminster Cathedral, *The Tablet* had her for "Coadjutrix", and without her Mill Hill certainly would never have been the success it was. "Every great work has been the labour of two," wrote Vaughan, welcoming and appreciating her assistance.

The letters of actual spiritual direction are more common in the earlier years of their friendship. Later on, she was more fully established in the way God had marked out for her, and he, as Bishop of Salford and then Cardinal Archbishop of Westminster, had little time for lengthy private correspondence. Lady Herbert was one of those people who cannot do things by halves. She abounded in energy and speed in work; her nickname was "Lady Lightning". She was a ready speaker, a fluent writer, and a skilful translator. She naturally knew all the people worth knowing both here and on the Continent. All that vigour and influence had to be directed to the one purpose, dedication to God and the promotion of His glory, and it was Vaughan's purpose to give her that unifying aim. At the same time she was a much-tried soul, mainly from grave domestic troubles; and she had to be shown the meaning and the value of the cross in the spiritual life. Vaughan reveals himself as a single-minded and wise director. Women are not the easiest persons to direct, and Lady Herbert was no exception to this rule. She was, for instance, constantly tending to overdo her mortifications, and in letter after letter her director has to insist on discretion.

Many of the letters deal with material matters: buildings, ecclesiastical furniture, pictures, clothes, etc. If they are not particularly interesting to

modern reader, they at least help him to realize how much Herbert Vaughan's work depended on her knowledge, taste, care, and generosity. In this, and indeed in the whole matter of Herbert Vaughan's friendship for Lady Herbert, the present volume is a useful supplement to Snead-Cox's great biography.

A spiritual friendship is a delicate matter; and Vaughan's friendship was warm and intimate, even in its expressions, though it can be paralleled from St. Francis de Sales. Fr. Brodrick has a wise word to say on it in his Introduction. "It is right to say," he writes, "that, for obvious and sufficient reasons, saints and ascetical writers generally do not approve of unrestrained protestations of even spiritual love between the sexes. Still, when a man loves God and his neighbour as selflessly as Francis de Sales and Herbert Vaughan did, he acquires privileges which, on a lower plane of perfection, could not be assumed without rashness."

J. CARTMELL.

What is Purity? By Thomas Corbishley, S.J. Pp. 52. (Manresa Press. 4d.)

THIS is a pamphlet welcome at all times, but especially in these days when the youth of the country is very likely more exposed to temptation than ever before. Written in the form of a conversation between a priest and a young man, it contains in an attractive style the doctrine on the subject of chastity expressed in a positive form—that is to say, not merely as a list of prohibitions. It is indisputable that *bonum est faciendum* is more radical than *malum est vitandum*, though both lead towards the same end. The difficulty consists in the exposition, for it must be admitted that in most theological manuals the treatise *De Castitate* is chiefly a list of sins against that virtue. Still more difficult is the task of putting the doctrine positively in simple, interesting, and non-theological language, and we think that Fr. Corbishley has admirably succeeded in what he set out to do.

Correct Mass-Serving Made Easy. By Rev. H. E. Calnan, D.D. Second Edition. Pp. 40. (Widdowson. 6d.)

DR. CALNAN's well-known pamphlet has proved its worth by going into a second edition, and it is the best thing of its kind to put into the hands of a Mass server. The responses are printed in thicker type and the instructions are clearly expressed throughout. The list of twenty-four hints at the end, each beginning with a "don't", is a feature of this manual, which cannot fail to interest the server because the reason for the prohibition is added. Thus "Don't move the Chalice-veil to the left of the priest after the ablutions. It is done at High Mass, because the sub-deacon is over there and needs the veil . . ." Some authors do, as a matter of fact, direct the veil to be moved, but we think Dr. Calnan is correct on this point and on all the other details contained in this useful manual.

E. J. M.

CORRESPONDENCE

EUCHARISTIC FAST—TIME COMPUTATION

(THE CLERGY REVIEW, 1942, XXII, p. 281)

"J. T." sends us the following solution, favouring that given of the case by Canon Mahoney:

Case: May a priest say his first Christmas Mass at midnight (clock time), have supper at 11.40 (solar time), and then say the other two Masses:

"Principles" on which the suggested solution is based:

- (1) If the priest uses his privilege of saying three Masses on Christmas Day, he must say them on one and the same day.
- (2) When a priest determines the midnight from which begins his Eucharistic fast with respect to *any* Mass, *ipso facto* he determines the beginning of the day on which that Mass will be said. Conversely, when he determines the beginning of the day on which he will say any Mass, *ipso facto* he determines the midnight from which begins his Eucharistic fast with respect to that Mass.

Solution: There are really *three* obligations in the present case:

- (a) The priest must not begin his first Mass before midnight;
- (b) He must observe the Eucharistic fast from midnight with respect to the second and third Masses;
- (c) He must say the three Masses on one and the same day.

When the priest says his first Christmas Mass at midnight (clock time), he fulfils obligation (a); but, also, he thereby determines the beginning of the day on which he is going to use his privilege of saying *three* Masses [obligation (c)].

If he then determines midnight (solar time) as the beginning of his Eucharistic fast for the second and third Masses in order to fulfil obligation (b), he thereby determines the beginning of the day on which he is going to say those Masses [obligation (c)].

But he has already determined the beginning of the day on which he is going to say the three Masses as clock midnight.

Therefore he cannot have supper at 11.40 (solar time) and then say the other two Masses.

The reply to the argument of those who would allow him to do so on the principle that two different times may be used for two different obligations would be this: you may not use two different times for two different obligations [(a) and (b)], if to do so would involve your using two different times for a *third* obligation (c).

"C. H." sends us the following criticism:

Canon Mahoney's argument may be reduced to this: when the priest says his first Mass he must be fasting from midnight; when he says his

second Mass he must also be fasting from midnight. If he uses legal midnight for determining his first fast and solar midnight for determining his second he is using two different computations of time for settling an obligation arising from one and the same law.

This argument is unassailable provided that it is certain that the priest is using two different computations of time about the same matter *in the same instance*; in other words provided that it is certain that the three Masses must be considered "en bloc". But must they? Because the three Masses have to be said on one day, why does it follow that the priest is bound to select one and the same midnight for determining his Eucharistic fast for the whole three Masses? It should be noted that when he chooses this or that midnight for his fast he in no way commits himself to beginning from that moment the day on which the Mass is to be said: he merely carries out the Church's law of fasting from midnight. Presuming that the priest intends to say three Masses, here are the facts: when he has said his first Mass according to legal time, he is then bound to fast from midnight. But by solar time it is not yet midnight. Therefore he can take food and drink until solar midnight. The facts indicate that each Mass is a separate instance wholly independent of the other two Masses; and, consequently, for determining the fast annexed to each, the priest is justified in using the liberty of canon 33.

ENGLISH ECCLESIASTICAL ARCHITECTURE

(CLERGY REVIEW, XXIII, pp. 60-69)

"Seminarist" writes:

My zeal, though it be merely that of one less wise, compels me to suggest that the writer of the excellent survey of English Ecclesiastical Architecture has implied something which is contrary to the legitimate aspirations of another art. I conclude, correctly I hope, from the central paragraph on page 67 that the writer means to connect (as condition and effect) the physical nearness of celebrant and congregation with "the fostering of an ever closer and more intimate participation by the laity in the Divine Sacrifice".

But is the writer not ruling out in the same paragraph another far more effective condition of such participation by the laity? For he would relegate—and this seems the right word—the choir to a "western choir gallery" as a substitute for its place as *Ministri* before the sanctuary; and this because a choir of "lay choristers for the celebration of High Mass . . . has rarely been found practicable in the parochial life of today". Relegated, be it remembered, not until such a choir becomes practicable, but so long as the church stands, since the writer would not allow for choir space before the sanctuary at all.

It is hardly presumptuous to hope that the day is coming—at any rate long before our new churches will be replaced—when choirs of lay singers will be a reality. If "great architecture has always rested on practical foundations", let its masters be sufficiently long-sighted to provide for the

natural and proper development of public worship. Surely a chancel choir could be designed which would not interrupt a clear view of the High Altar, nor yet be "of unduly prolonged length", and which could be put decorously to other use until such time as the ambitions of many are realized.

BAPTISMAL REGISTRATION

(CLERGY REVIEW, 1942, xxii, p. 556)

The Hon. Secretary of the Lancaster Diocesan Protection and Rescue Society writes:

As a Catholic moral welfare worker I am very much interested in the question and answer concerning Baptismal Registration.

The questioner is not quite correct in saying that the birth certificate issued for an adopted child states that the adopter are the real parents. The certificate states that the child is the *adopted* child of his new parents, and no reference is made to the child's original name.

This, I think, is the important point. Most adopted parents tell (or should tell) their children that they are adopted, but many for excellent reasons do not wish the original name to be known.

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